



# city council agenda

**Agenda**  
**October 16, 2018 \* 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	Mike Sims District 4	Harv Readey District 5	Jim Partin District 6	Sue Nielsen District 7
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## Welcome

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

1. Call to Order and Confirmation of Quorum
2. Invocation and Pledge to Flag - Mike Sims, Commissioner District 4
3. Consent Items
  - a. Proclamation declaring November 3rd - 10th as "Week of the Family" – Page 3
  - b. Approval of the City Council Regular session minutes - September 18, 2018 – Page 4

4. Request of Chris Comins and Daryl Carter to address City Council

### 5. 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.

### 6. Unfinished Business

- a. **ORDINANCE NO. 18-11** - SECOND READING AND ADOPTION - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, CHANGING THE ABSENTEE REQUIREMENTS FOR THE TREE BOARD MEMBERS; SEVERABILITY; CONFLICTS AND EFFECTIVE – Page 13
- b. Reimbursement of Attorney Fees – Page 16

### 7. New Business

- a. **ORDINANCE NO. 18-12** - FIRST READING AND CONSIDERATION - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, ADOPTING AN OFFICIAL MUNICIPAL SEAL; CREATING A NEW SECTION 2-1 IN CHAPTER 2, ARTICLE I OF THE CITY CODE, GOVERNING USE OF THE CITY'S MUNICIPAL SEAL; RESTRICTING USE OF THE MUNICIPAL SEAL AND PENALIZING UNAUTHORIZED USE THEREOF; PROVIDING FOR USE OF THE MUNICIPAL SEAL BY THIRD PARTIES WHERE AUTHORIZED BY THE CITY; AUTHORIZING ADOPTION OF POLICIES, REQUIREMENTS, FORMS, AND DOCUMENTATION RELATED TO USE OF THE CITY SEAL; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE – Page 17
- b. **ORDINANCE 18-13** - FIRST READING AND CONSIDERATION - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, PROPOSING AMENDMENTS TO THE CHARTER OF THE CITY OF BELLE ISLE SECTIONS 7.01 WITH RESPECT TO MATTERS INCLUDING BUT NOT LIMITED THE PASSAGE OF AN ORDINANCE BY THE VOTERS; PROVIDING FOR A REFERENDUM VOTE BY THE ELECTORS OF THE CITY OF BELLE ISLE ON THE QUESTION OF APPROVAL OF THE PROPOSED CHARTER AMENDMENTS AT THE ELECTION TO BE HELD ON MARCH 12, 2019; PROVIDING FORM OF BALLOT; PROVIDING FOR FILING REVISED CHARTER WITH THE FLORIDA DEPARTMENT OF STATE, AND OTHER DIRECTIONS TO CITY STAFF; PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE AND CHARTER AMENDMENTS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS – Page 28
- c. Discuss and approve changes to the Personnel Manual – Page 35

"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 Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting." –Page 1 of 78

8. Attorney Report

9. City Manager's Report

- [a.](#) NAV Board report – Page 67
- [b.](#) Issues Log – Page 75
- c. Chief's Report
- d. Tree Board Report - Approval of Emily Wakley - new Tree Board member

10. Mayor's Report

- a. Review and Approval of Holiday Event Dates and Budget

11. Council Reports

12. Adjournment

# CITY OF BELLE ISLE



## Proclamation

Declaring the Week of November 3<sup>rd</sup> through November 10<sup>th</sup>, 2018  
**“WEEK OF THE FAMILY – Practice Kindness”**

- Whereas*, the City of Belle Isle is blessed with a multitude of families – an essential part of the cultural, social, and spiritual fabric of our community; and
- Whereas*, the City of Belle Isle recognizes that strong families are at the center of strong communities; that children live better lives when their families are strong; and that families are strong when they live in communities that connect them to economic opportunities, social networks, and services; and
- Whereas*, kindness is strengthened by seeing and hearing. The more our children see kindness the more it becomes contagious and something they want to be part of; and
- Whereas*, kind acts don’t have to cost a dime, take much time, or require any particular talent. In fact, the easier the task, the more willing kids are to practice kindness; and
- Whereas*, kids must have ample opportunities and encouragement to practice kindness. When kids continue doing simple, regular kind acts, other kids will want to do the same.
- Whereas*, during the week of November 3<sup>rd</sup> through November 10<sup>th</sup>, 2018, Belle Isle residents should take time to honor the importance of family and recommit to this year's theme “Family: Practice Kindness!”, Let us change the environment in which we live by enhancing and extending the special connections that support and strengthen them throughout the year; and
- Whereas*, during this week, we urge the residents of the City of Belle Isle to join other agencies and organizations throughout the county to honor and celebrate our families;



*Now, therefore*, I, Lydia Pisano, Mayor of the City of Belle Isle, do hereby proclaim the week of November 3<sup>rd</sup> through November 10<sup>th</sup>, 2018, as

### **“WEEK OF THE FAMILY – Practice Kindness”**

in the City of Belle Isle, and encourage all citizens to share in this occasion.

Attest

\_\_\_\_\_  
Yolanda Quiceno, CMC-City Clerk

*In Witness Whereof*, I hereunto have set my hand and caused the Seal of the City of Belle Isle to be affixed this 16<sup>th</sup> day of October, 2018.

\_\_\_\_\_  
Mayor Lydia Pisano



## city council minutes

## MINUTES September 18, 2018 City Council Public Budget Hearing Session: Regular Session 6:30 pm

The Belle Isle City Council met in a regular session on September 18, 2018, at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Mayor Lydia Pisano  
Commissioner Gold  
Commissioner Anthony Carugno  
Commissioner Jeremy Weinsier  
Commissioner Mike Sims  
Commissioner Harv Readey  
Commissioner Jim Partin  
Commissioner Sue Nielsen

Absent was:

Also present was City Manager Bob Francis, Attorney Kurt Ardaman, Deputy Chief Grimm and City Clerk Yolanda Quiceno.

### CALL TO ORDER

Mayor Pisano called the City Council Budget Hearing session to order at 6:40 pm and the City Clerk confirmed quorum. Commissioner Gold gave the invocation and led the Pledge to the flag.

### SECOND PUBLIC BUDGET HEARING AND ADOPTION

Mayor Pisano called for a motion to move the Resolutions 18-11, 18-12, 18-13 and 18-14 for approval with the adoption of the Budget.

**Comm Sims moved to move the agenda items as requested.**

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

RESOLUTION NO. 18-11 - RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA ESTABLISHING THE AD VALOREM TAX LEVY UPON ASSESSED REAL AND BUSINESS PERSONAL PROPERTY TAX ROLLS OF THE YEAR 2018

Mayor Pisano read by title.

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

City Manager Francis said for the record that the City of Belle Isle has a roll back rate of 4.1753, a percentage increase over the roll back rate is 5.42% and the millage rate to be levied will be 4.4018. There will not be an increase in the millage rate this year.

**Comm Nielsen moved to approve Resolution 18-11.**

**Comm Weinsier seconded the motion which passed unanimously upon roll call 7:0.**

**Comm Nielsen, aye**

**Comm Partin, aye**

**Comm Sims, aye**

**Comm Readey, aye**

**Comm Weinsier, aye**

**Comm Carugno, aye**

**Comm Gold, aye**

RESOLUTION NO. 18-12 - RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA ADOPTING THE ANNUAL BUDGET OF THE CITY OF BELLE ISLE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019.

Mayor Pisano read by title.

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

**Comm Nielsen moved to approve Resolution 18-12.**

**Comm Gold seconded the motion which passed unanimously upon roll call 7:0.**

Comm Nielsen, aye  
Comm Partin, aye  
Comm Sims, aye  
Comm Readey, aye  
Comm Weinsier, aye  
Comm Carugno, aye  
Comm Gold, aye

RESOLUTION NO. 18-13 - RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA ADOPTING THE FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM FOR FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2023.

Mayor Pisano read by title.

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

**Comm Gold moved to approve Resolution 18-13.**

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

Comm Nielsen, aye  
Comm Partin, aye  
Comm Sims, aye  
Comm Readey, aye  
Comm Weinsier, aye  
Comm Carugno, aye  
Comm Gold, aye

RESOLUTION NO. 18-14 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018, PROVIDING AN EFFECTIVE DATE.

Mayor Pisano read by title.

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

**Comm Weinsier moved to approve Resolution 18-14.**

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

Comm Nielsen, aye  
Comm Partin, aye  
Comm Sims, aye  
Comm Readey, aye  
Comm Weinsier, aye  
Comm Carugno, aye  
Comm Gold, aye

## **UNFINISHED BUSINESS**

ORDINANCE 18-10 - SECOND READING AND ADOPTION: AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, REGARDING VACATION RENTALS; CREATING A NEW ARTICLE III, CHAPTER 7 OF THE CITY CODE REGULATING VACATION RENTALS; PROVIDING FOR DEFINITIONS, PENALTIES, ENFORCEMENT, RESPONSIBILITIES OF DEPARTMENTS, APPEALS, NOTICE, IMMUNITY FROM PROSECUTION, CONSTRUCTION OF ARTICLE; PROVIDING FOR LICENSE REQUIREMENTS AND PROVISIONS INCLUDING BUT NOT LIMITED TO PROCEDURES, APPLICATIONS, MODIFICATIONS, DURATION, RENEWALS, AND NONTRANSFERABILITY; PROVIDING FOR VESTED RIGHTS/WAIVER/ESTOPPEL; PROVIDING FOR DUTIES OF VACATION RENTAL OWNER; PROVIDING FOR INSPECTIONS; PROVIDING FOR STANDARDS AND REQUIREMENTS FOR VACATION RENTALS INCLUDING BUT NOT LIMITED TO MINIMUM SAFETY AND OPERATIONAL REQUIREMENTS, OCCUPANCY, PARKING, NOISE AND LIGHT STANDARDS VIOLATIONS OF THE LAW, ADVERTISING, STATE AND COUNTY REGISTRATION, PROHIBITION OF OCCUPANCY, VIOLATIONS AND PENALTIES; PROVIDING FOR A SUNSET; PROVIDING FOR THE CONTINUED VALIDITY OF SECTION 7-30, CITY CODE; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

City Manager Francis read Ordinance 18-10 by title.

Mayor Pisano opened for the Public Hearing and gave a brief overview of the hearing process.

1. Jim Guthy residing at 1610 Fulmer Road spoke in opposition of the ordinance. The ordinance does not clarify the vetting process and should have a minimum qualification requirement. In addition, he shared his concern with the 30-minute rule requirement for the homeowner and the additional insurance on the property.
2. Ken Meinicke residing at 2826 Cullen Lake Shore Drive spoke in opposition of the ordinance. He said there are many hotels in Orlando and we do not need them in our neighborhood.
3. Lauren Velazquez residing at 5851 Cove Drive spoke in opposition of the ordinance. She shared her concern with transient visitor safety, community, and respectful citizens.
4. Gene Aiello residing at 5008 Belleville Avenue spoke in opposition of the ordinance.
5. Marie Aiello residing at 5008 Belleville Avenue spoke in opposition of the ordinance.
6. Paul Kelley residing at 4907 Gramont Avenue spoke in opposition of the ordinance.
7. Heather Meinicke residing at 2826 Cullen Lake Shore Drive spoke in opposition of the ordinance and is in agreement with Lauren Velazquez.
8. Pam Carter residing at 5101 Cove Drive spoke in opposition of the ordinance.
9. Patricia Reid residing at 1748 Colleen Drive shared her concerns and spoke in opposition to the ordinance. She further called for a referendum and asked for the Mayor to veto the approval of the ordinance if passed by City Council.
10. Greg Fries residing at 1524 Idaho Avenue shared his concerns and spoke of the differences between vacation rentals and Airbnbs. He noted that the ordinance should be rewritten and should be crafted around primarily Airbnbs.
11. Chris Shenefelt residing at 2222 Hoffner Avenue spoke in favor of Airbnbs and said he and his family stays in Airbnbs. He finds that Airbnb hosts are a great ambassador for a community and he supports the ordinance.
12. James Locie residing at 3207 Cullen Lake Shore Drive spoke in opposition of the ordinance and shared his concern with the loss of property values if the ordinance passes.
13. Robin Locie residing at 3207 Cullen Lake Shore Drive spoke in opposition.
14. Bill Borgemeister residing at 1524 Idaho Avenue spoke in opposition to the ordinance and referenced the number of quests that would be allowed, the sunset provision and if the homeowner would be required to follow ADA requirements. Peter Kovechev residing at 5120 St. Germaine Avenue spoke in favor of the ordinance. He stated two weeks ago Council approved for this to move forward. In the last two weeks, the community has strongly voiced their opinion against the ordinance. For the record, he said there has not been one call or a legitimate complaint about an Airbnb guest. He believes the community should trust in the City Council to see through what they put forward for approval. In closing, he asked the City Attorney if he is truly in violation of the code since the current ordinance does not clearly reference short term rentals or Airbnbs.
15. William Brooks was not present to speak.
16. Michelle Rowe residing at 3544 Country Lake Drive and has a neighbor who operates an Airbnb. She spoke in favor of short-term rentals that are owner-occupied.

Mayor Pisano recognized Former Mayor Pete Crotty and Linda Chapin.

17. Linda Chapin residing at 5202 Hoffner Avenue spoke in opposition of the ordinance as it is written. It is very broad, allows for too much use and unintended consequences. She is in favor of further review and creation of a task force to explore all options before passing an ordinance.
18. Gayle Bouch residing at 2205 Cross Lake Road gave her time to Holly Bobrowski.
19. Genie Hollingsworth residing at 2229 Nela Avenue said she has two neighbors who were not aware of this agenda item. She further stated that she is opposed to a live-in owner short-term rental.
20. Emily Wakley residing at 3019 Indian Drive said this is a difficult issue and is in support of short-term rentals but not in Belle Isle. She shared her concerns and said the ordinance will change the neighborhood and would like this issue to place for a vote by all residents.
21. Daniel Boytos residing at 2224 Homewood spoke in opposition to the ordinance and is in agreement with the other speakers. It will take away the small feel of the community, add unwanted density and will add complexity and an additional layer of cost to the city.
22. Karl Shuck residing at 1658 Wind Willow Road spoke in opposition to the ordinance and said this ordinance open the doors to other residents renting out their homes.
23. Eric Spaulding residing at 5386 Chiswich Avenue said the reason the original 2008 rental ordinance was passed was to control and monitor the number of rentals in a residential community. In addition, Home Rule is very important and we must preserve it.
24. Charles Motley residing at 1805 Swann Avenue spoke in favor of the ordinance. He shared his motivation for establishing an Airbnb.
25. Candee Brooks residing at 5218 St Regis Place spoke in opposition of the ordinance and provided a copy of her comments for the record. She spoke on the flaws in the ordinance and said they are misleading, erroneous and will create unintended consequences that will diminish the quality of life in Belle Isle.
26. George Rodan residing at 3531 Edlinham Court spoke in opposition of the Ordinance. He finds that the community is based on families. Allowing Airbnbs will not be beneficial and will affect the quality of life for our communities. He is very disappointed with the decision put forward by the City Council.
27. Burke Hammond residing at 7410 Daetwyler Drive spoke in opposition of the ordinance. He spoke of other cities and some of the challenges they are facing. He said the City will not be able to bounce back if it gives away home rule.
28. Michael Jungen residing at 2010 Hoffner Avenue spoke in support of the ordinance and said he is in support of the new technologies available to all residents. He would like to see this ordinance passed with a one year trial period.
29. Renee Rodam residing at 3531 Edlinham Court spoke in opposition of the ordinance. She shared her concerns and said this ordinance will take away from the safety in her neighborhood and be additional cost to the city. In closing, she noted that some of these issues can also be covered within the HOA and asked for Council to reconsider the proposed ordinance and not pass it.
30. Carla Stols residing at 7410 Daetwyler spoke in opposition of the ordinance and ask that the City to research the effects Airbnbs have in small towns.
31. Kerrie Furlow residing at 1713 Idaho spoke in opposition of the ordinance and said there are enough hotels in the area to accommodate the vacationers. She said transient lodging will bring transient behavior.

32. Pam Lowe residing at 3543 Country Lakes Drive spoke in favor of the ordinance. She shared some of her experiences as an Airbnb host she said many of the vacationers have enriched her life. She submitted 8 petition pages with signatures in favor of the ordinance.
33. Holly Bobrowski residing at 2400 Hoffner Avenue spoke in opposition of the ordinance. She said this ordinance is not restricted to a host management agreement. The vast majority of the community does not want short-term rentals and do not want to lose home rule rights. Ms. Bobrowski provided 42 petition pages with signatures in opposition to the ordinance.

There being no further comments, Mayor Pisano closed citizen comments and opened for Council discussion.

Comm Nielsen said she is happy to see many in attendance. There are many strong feelings for and against the ordinance. She spoke on the upkeep of existing Airbnbs in her neighborhood and said the property values in her neighborhood have actually gone up. Comm Nielsen motioned that the vote be tabled tonight. She does not believe it would be wise to vote on this ordinance tonight and wants to allow the residents to organize for a referendum according to the Charter. In the meantime, she would like the City Manager to publish more information on this ordinance to better communicate with all residents.

Comm Weinsier shared comments he recently received from residents with concerns that the short-term rental ordinance was being passed without resident notice or input. Commissioner Weinsier listed 9 meeting dates where discussion of short-term rentals was noticed for discussion, including one workshop dedicated solely to that issue. He also listed the many ways the city has improved communication to residents and made meetings more accessible.

Comm Weinsier stated that although he initially had many concerns about passing a short-term rental ordinance, his position as a council member reflected public sentiment on short-term rentals which were overwhelmingly positive every time the issue was discussed at a meeting. Commissioner Weinsier further stated that although he is happy that so many residents were finally making themselves heard on this issue and that he would support their position, he asked that residents pay attention to future agendas and stop waiting until the last minute to make their opinions known.

Comm Carugno spoke of a letter submitted to the City Attorney asking to have him recused from voting on Ordinance 18-10 because of a possible violation due to certain discussions with some constituents. He, for the record, denies the charge and stated that his discussions are allowed under Sunshine Law and he has never tried to influence his fellow commissioners on this issue.

Comm Carugno said he has received many emails, calls, and discussions on this Ordinance. He spoke in opposition to this ordinance and stated that a change of lifestyle for a few does not constitute a change to an ordinance that has been protecting our City.

Comm Sims said a few recent events; public sentiment and the possible loss of Home Rule have helped him decide to vote the ordinance down instead of tabling the ordinance as previously motioned.

Comm Partin shared his personal views. He said if City Council does not hear from all the people it makes it very difficult to make a decision for or against any issue representing their constituents. In short, due to the many emails and calls, he has received he is voting no on the ordinance and would like to allow residents the opportunity to put forward a referendum for the next election.

Comm Gold said he is very sympathetic to those who may lose their additional income and shared his opinion. He was in favor of the ordinance because he believes the City Manager has put forward a very good document. He, however, does not believe that it protects us from Section 7-30 and 50-103 and may be easily challenged.

Comm Readey said he agrees with Comm Gold. He believes this ordinance will make it a little difficult to start an Airbnb and place some necessary controls. The council may have read the public wrong by moving forward with the ordinance and asked that the City table the motion and send more information about short-term rentals to inform all residents.

Mayor Pisano said, if this ordinance passes tonight, the Windsor Place HOA would not be able to change their covenants to restrict short-term rentals in their neighborhood.

Comm Nielsen asked for the attorney's advice in regard to the Home Rule question.

Attorney Ardaman spoke briefly of Home Rule and how it applies to a motion of Ordinance 18-10. He stated that the City currently has protection from short-term rentals in the Code that will safeguard the City if this passes in the Legislature. The proposed change to the Ordinance is enforceable; however, it does create an opportunity for argument and possible lawsuits.

**After further discussion, Comm Nielsen motioned to table the ordinance to allow everyone the opportunity to weigh in on the decision and encourage the residents to put a referendum forward.**

**Comm Readey seconded the motion for discussion.**

Comm Weinsier said it appears that the Council does not have a clear path forward and may need to vote the ordinance down.

Comm Gold said the Council should vote the ordinance down and look to an alternative to accommodate the current Airbnb homes.

Comm Carugno asked for clarification of a referendum. Attorney Ardaman said it is an option allowed by the Code and has been motioned by Comm Nielsen.

Mayor Pisano asked if the voters chose to allow Airbnbs what does that do to home rule. Attorney Ardaman said it depends on the language in that ballot. If the voters allow Airbnbs it may put the overall complete prohibitions more at risk. If the ballot is crafted to protect the current ordinance it can be as effective as the proposed ordinance.

Comm Partin said he believes to vote the ordinance down give the residents the opportunity to vote on the use.

**Mayor Pisano called for the vote. The motion failed 6:1 with Comm Partin, Comm Sims, Comm Readey, Comm Weinsier, Comm Carugno and Comm Gold – nay.**

**Comm Sims moved to disapprove the ordinance.**

**Comm Partin seconded the motion which passed unanimously 7:0.**

Comm Readey asked if the existing Airbnb host is allowed to continue business as usual until this issue can be resolved.

Comm Weinsier said the prior motion regarding suspending enforcement was that it would be until this issue is resolved. He stated that it has been resolved and moved to discontinue the motion of suspended enforcement.

Comm Carugno seconded the motion for discussion.

Comm Carugno asked the current Airbnb hosts how far in advance are they booked with vacationers.

Peter Kovechev, Pam Lowe and Charles Motley said they are booked out until March 2018.

After discussion, Comm Weinsier rescinded the motion.

Comm Carugno seconded.

Comm Carugno said since this issue has been resolved he motioned to not allow short-term rentals/airbnbs, and to rescind the suspension of enforcement on the date of when this motion is passed.

Comm Partin seconded the motion.

**Comm Readey said it would not be right to end this and have the current Airbnb hosts to owe the cancellation fees of future bookings.**

**The motion passed 4:3 with Comm Gold, Comm Nielsen, and Comm Readey – nay.**

Mayor Pisano called for a five-minute recess.

## NEW BUSINESS

### APPEAL of the Planning & Zoning Board's decision to deny Public Hearing Case #2018-07-015.

Pursuant to Belle Isle Code Sec. 42-64, the Council shall consider and take action on a requested variance from Sec. 54-2 (a) Substandard Lots of Record, to allow for each individual lot (Lot 4 and Lot 5) that comprises the currently developed parcel to be redeveloped as individual lots instead of being required to be aggregated as one tract, and allow for a reduction from the Sec. 50-73.- Site and building requirements, for the R-1-AA required minimum lot width of 85 feet, in anticipation of a lot split request on the subject parcel, that would result in each lot respectively retaining their historical substandard lot width of 70.06 feet, submitted by applicant Nancy Conicella, Esquire, for the property located at 6820 Seminole Drive, Belle Isle, FL 32812 also known as Parcel #29-23-30-4389-02-040.

City Manager Francis stated that the P&Z Board denied a variance for a lot split zoning for 6820 Seminole Drive. Miranda Fitzgerald, representing the applicant, is present to ask City Council for reconsideration of the denial and that the variance is allowed.

Miranda Fitzgerald Attorney with Lowndes Drosdick Cantor and Reed Law Firm representing the applicant Chris Comins is here to appeal a variance denial that was originally approved by the P&Z Board in a hearing that took place in January 2017. She gave a brief history of the request that was initiated with the original request submitted by Daryl Carter. She stated that the issue is whether or not that lot can be split into two lots measuring 70.6 feet each and restore what was originally the dimension of two lots under the historic plat. Attorney Fitzgerald referenced a copy of a historic plat and stated that it is important to understand when the variance was submitted originally, it was very clear that Daryl Carter was asking for a variance so that he can split this one lot back into two lots with the historic configuration. In addition, the existing home was going to be demolished if the variance was approved.

on January 24, 2017, the P&Z Board granted a variance from the lot width dimensions that was put in place after the historic plat was completed allowing 85-foot lot minimum widths. In order to go back to a lot width of 70 feet, it takes two things, (1) a variance for the lot width dimensions in the R-1-AA zoning, and (2) an approval of the lot split. The dual application was submitted and approved by the Planning & Zoning Board.

Attorney Fitzgerald provided a transcript of the January 24<sup>th</sup> hearing and provided a summary of the sequence of events. She noted that everyone that spoke from the Public that evening were in favor of the variance and proposed lot split, which included comments from resident and neighbor Richard Weinsier. No one spoke in opposition. As a point of reference, she spoke of the discussion that occurred between the Board members and transcribed on Page 11 of 13.

Three months after unanimous approval of the dual application Daryl Carter assigns the contract on these two lots to Mr. Comins in entity name. Attorney Fitzgerald stated that her client has every intention to do exactly what Daryl Carter intended to do with this lot which was to build substantial homes on two separate lots.

In March 2018, one year and three months later, Mr. Comins receives a letter from the City stating that the variance has expired and the approved variance and lot split is no longer valid per Section 42-67 of the Code. Attorney Fitzgerald said there is no way an individual can get all permits approved for two homes and demolish a home within six months per code. This is not the type of variance that just can expire in a year because this was a variance coupled with a lot split that was not appealed. There is a tremendous hardship from the standpoint of reliance; the purpose and intent were known by the Board before approval.

The remedy that was provided in the letter from the City was that the applicant re submit the application, coupled with the lot split and get the variance re-approved. The City has concluded that the variance has expired, however, under the Code lot splits cannot expire. The variance may have expired but the applicant has relied on that variance to his detriment and has done things that make it unfair and unreasonable to have the variance expired.

In July 2018, the applicant submitted the coupled variance and the residents and neighbors did a 180 and vehemently opposed. The discussion at the hearing was not whether the lot split is appropriate but if Mr. Comins meets the criteria set forth in the variance Code. The public speakers that were present in opposition were virtually the same ones that were in support in 2017. The only thing that had changed, in the interim, was the ownership of that property; the use and proposal were the same and money had been spent in reliance on the variance and assumption that there is a lot split. In July 2018, the re-submittal of the coupled variance was denied unanimously by the P&Z Board.

Attorney Fitzgerald commented that the neighbors, who were in favor initially, were faced with a situation that they were living next to an old house on two lots facing the road. Suddenly, there is no ugly house there now; there are a clear lot and open space with a water view to look at for a while. If those in opposition can get the variance denied, after they have benefited from the money Mr. Comins has spent, it is a win-win for them.

Attorney Fitzgerald said one of the issues that have come up is the Lot Split moratorium. On June 5<sup>th</sup> the City Council passed a Lot Split Moratorium after denial of another lot split request. It was discussed that it may be possible that the P&Z Board may need some training and education on lot splits. Even though the moratorium was discussed that evening, the minutes of that meeting were not on the website, and unless you were present you will not be aware of the discussion. The applicant re-submitted his application on June 7<sup>th</sup> and was informed that there was a pending ordinance. City Council passed and approved the Moratorium on Lot Splits for first reading on June 19<sup>th</sup> a few days after the re-submittal by the applicant. The moratorium does not apply to this application and does not affect this project because it was not a pending ordinance at the time of submittal.

The circumstances in this case where you have a very clear intention that you are getting a variance for a specific purpose and the time frames and variance code cannot be met in light of the intention. It is simply unfair to apply strictly that code if an applicant cannot accomplish everything under a year which was a known impossibility. She asked if Council would reinstate the approvals that apply to this property, which would be; not only the variance that would allow two 70.6 foot lots and to acknowledge that the current lot split moratorium does not affect these lots because we were in the process of completing what was needed at the time the moratorium was put in place. She would also like to have the City reinstate what the P&Z Board approved previously where they granted the coupled variance application and lot split.

Mayor Pisano opened for public comment.

1. Robin Logie – not present.
2. Pam Carter – not present.
3. Emily Wakely residing at 3019 Indian Drive spoke in opposition of the lot split application. Ms. Wakley shared her concerns and said she is opposed to lot splits that do not meet the minimum lot requirements by City Code and do not meet the hardship requirement.
4. Beth Lowell residing at 2416 Homewood Drive spoke in opposition of the lot split application due to the increased density, road and lake traffic.
5. Richard Weinsier residing at 6824 Seminole Drive spoke in opposition of the lot split application. He stated that he has sent many emails and letters stating why he has changed his mind. For some reason, the Attorney would like to have you feel sorry for Mr. Comins because there is a hardship that he was not able to finish the project on time. He added that, in numerous city meetings, he has heard the discussion, at different times, that the City has reached its density thus causing a variety of problems that moves us away from the Belle Isle that you and I are trying to achieve.
6. Daniel Boytos residing at 2224 Homewood Drive spoke in opposition of the lot split application mainly due to the added density. He asked City Council to maintain the integrity of the City and not set a precedent.

There being no further comment Mayor Pisano closed public comment and opened for Council discussion.

Attorney Fitzgerald referenced the Larkin project and stated that existing PD is a separate project and should not be viewed simultaneously with this project.

Comm Gold asked if the lot split and variance application was granted together should they expire at the same time.

Attorney Ardaman said the question is whether the criteria of the variance are established pursuant to substantial competent evidence. The applicant is arguing based on the approval of the original variance submitted by Daryl Carter and the expenses of money the applicant has vested rights and there is no time limit to the lot split approval. Nonetheless, what is before us tonight is the variance request and the evidence presented tonight. Attorney Ardaman said because the lot split and the variance were approved at the same hearing it may be argued that they have vested rights and he will not be able to give a definite answer at this time. Discussion ensued.

City Manager Francis said if Council believes he has erred in sending out the notice he apologizes. After the Lance Hearing and reading the code for that meeting he realized that the Daryl Carter Variance approval may be nearing expiration. He read the two passages of the code and realized that Mr. Comins had the demo permit but not all the permits to complete the action to build the homes. If the original application for Daryl Carter included approval of a lot split before Council he has not been able to find any evidence of that.

Comm Sims said he believes that even if the Larkinsville and the Seminole property are not connected on tonight's agenda he heard of a proposed compromise to solve the present issues for consideration because good government includes compromising for the good of the City. City Manager Francis said there is a proposed solution that includes removing 30 condos off the table if he will be allowed to build the Seminole property.

Comm Carugno stated that consideration of combining these two projects is not advisable. Attorney Ardaman said the proposed compromise is not appropriate in approving or denying this variance. However, in speaking with the Applicant's Attorney, if there is an independent compromise outside of this hearing it may be considered. With the applicant's consent Council can postpone this hearing and vet an overall solution for two different considerations.

Comm Nielsen said the best argument for postponing this request is the vested issue.

Comm Carugno stated that the City is looking for consistency and fairness. Comm Carugno said for the record that he is in favor of lot splits but will deny this request based on public opinion. He shared his concerns with the current lot configurations and said he would like to table this Appeal to allow the City time to research a solution.

Comm Weinsier said, he has heard loud and clear, that the residents want Council to enforce the Code as it is written. In regards to reliance, the applicant should have asked for an extension. More importantly, the argument on reliance should be addressed in Court and not presented for City Council to address.

**After discussion, Comm Carugno motioned for a continuance of this Appeal to allow the City and the applicant enough time to further research an advantageous resolution to October 30<sup>th</sup> at 6:30 pm.**

Mayor Pisano asked Attorney Fitzgerald if the applicant will be acceptable to a continuance.

Attorney Fitzgerald said she understands the confusion about this request. In her opinion, the Code is not written very well and the approval was joined at the time in front of the P&Z Board meeting. She would not like to have a denial and believes there is a solution. Attorney Fitzgerald agreed to a continuance.

Comm Weinsier said he thinks it is a bad idea to tie both properties and would like to see the Appeal stand on its own merits.

Comm Gold shared his concerns with combining both projects and doesn't understand the real complaint of a 70.6 lot width that is in character with the neighborhood.

Attorney Fitzgerald stated it is surprising to her that when Daryl Carter made the request everyone was in favor and loved the proposal. All of a sudden, now it is owned by Chris Comins and it is a problem and the circumstances change. Zoning needs to be done on standards and guidelines and not on personality.

Comm Nielsen believes the Council should honor the first lot split as presented and approved for Daryl Carter. Moving forward the City must be more careful in approving future lot splits.

**After further discussion, Comm Sims seconded the motion for a continuance to October 30<sup>th</sup> at 6:30 pm which passed 5:1 with Comm Weinsier- nay. Comm Readey was not present for the vote.**

**Comm Sims motioned to adjourn the meeting and move all the remaining items to the following City Council meeting.**

**Comm Partin seconded the motion.**

**After discussion, Comm Weinsier amended the motion to include and allow Citizen Comments.**

**Comm Gold seconded the motion which was unanimously approved 6:0.**

**Comm Readey left the meeting before the vote was motioned.**

#### **CITIZEN COMMENT**

1. Susan Barker gave her time to Karl Shuck.
2. Debbie Shuck gave her time to Karl Shuck.
3. Karl Shuck shared his concern with how meetings are run. He further called for a point of order and said when the agenda items were moved there was no vote for approval.

Mr. Shuck asked City Council for help in obtaining information he requested on a Public Records Request on June 7<sup>th</sup> for all telephone and text messages from Jan 2015 through the present to and from the Mayor's personal phone number. The City phone and number are being paid by the taxpayers. Mr. Shuck gave an overview of the events of the request to date and said he has received very minimal phone records and no text messages. If the Mayor was using her City phone there would not be any delay He asked that City Council hold the Mayor accountable for not adhering to City policy.

Mayor Pisano said all public records requests go through the City Clerk. Payment for the request was received on July 16<sup>th</sup> and that is when she started printing records. Mayor Pisano said during the time of printing, researching, working and speaking with the City Attorney it has taken time to fulfill the request.

**After discussion, Comm Nielsen motioned to table this concern to the next Council meeting for discussion  
Comm Sims seconded the motion which passed unanimously.**

#### **ADJOURNMENT**

There being no further business and already having a motion to adjourn following public comment, Mayor Pisano called adjourned the meeting at 11:10 p.m.

Yolanda Quiceno, CMC, City Clerk

ORDINANCE 18-11

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, CHANGING THE ABSENTEE REQUIREMENTS FOR THE TREE BOARD MEMBERS; SEVERABILITY; CONFLICTS AND EFFECTIVE DATE.

WHEREAS, the City Council of the City of Belle Isle Florida created A Tree Advisory Board under Ordinance 17-18; and

WHEREAS, the Tree Advisory Board has established its rules and procedures for meetings; and

WHEREAS, the Tree Board established a requirement for attendance at regularly scheduled meetings of the Board; and

WHEREAS, the Tree Board desires to modify the requirement for attendance at regularly scheduled meetings of the Board;

NOW, THEREFORE BE IN ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, AS FOLLOWS,

Section 1.

Any member who misses two (2) regularly scheduled meetings in a twelve-month period (calendar year), without cause and without being excused as

specifically approved by the Chairman for each absence ~~Any member who fails to attend two of three successive meetings without cause and without proper approval of the Chairman shall automatically forfeit his or her appointment and the City Council shall promptly fill such vacancy. Members may be removed for cause by the appointing authority upon written charges and after a public hearing.~~

**Section 2. Severability**

If any section a portion of this ordinance proves to be invalid unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of a section or subsection or part of this ordinance.

**Section 3. Conflicts**

That all parts of ordinance in conflict herewith are hereby repealed.

**Section 4. Effective Date**

This ordinance shall take effect immediately upon its final passage and adoption.

Passed first reading on \_\_\_\_\_, 2018

Second Reading and Adoption this \_\_\_\_ day of \_\_\_\_\_, 2018.

	YES	NO	ABSENT
Ed Gold	_____	_____	_____
Anthony Carugno	_____	_____	_____

1 Jeremy Weinsier \_\_\_\_\_  
2 Mike Sims \_\_\_\_\_  
3 Harvey Readey \_\_\_\_\_  
4 Jim Partin \_\_\_\_\_  
5 Sue Nielsen \_\_\_\_\_

6  
7 ATTEST: \_\_\_\_\_  
8 Yolanda Quiceno, CMC-City Clerk Lydia Pisano, Mayor

9  
10 \_\_\_\_\_  
11 Approved as to form and legality  
12 Kurt Ardaman, City Attorney

13  
14 STATE OF FLORIDA  
15 COUNTY OF ORANGE

16 I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that  
17 the above and foregoing document ORDINANCE 18-11 was duly and legally passed by  
18 the Belle Isle City Council, in session assembled on the \_\_\_\_\_ day of  
19 \_\_\_\_\_, 2018, at which session a quorum of its members were present.

20  
21 \_\_\_\_\_  
22 Yolanda Quiceno, CMC-City Clerk



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

**Meeting Date:** October 16, 2018

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

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

**Subject:** Reimbursement of Attorney Fees for Individual Elected Officials

**Background:** At the last Council meeting, the City Council adopted the City Council adopted the policy for reimbursement of attorney fees. There are three Commissioners who are requesting reimbursement of their attorney fees from the SAO investigation (Commissioner Readey - \$807; Commissioner Gold - \$2,550, and Commissioner Nielsen - \$20,000).

There have been discussions on whether or not to allow these payments since they were incurred prior to the policy being adopted. I don't believe that the Council can deny payment based on the timing of the policy. I will consult with the City Attorney for an answer.

Even though the City had no formal policy on reimbursement of attorney fees for individual elected officials, I believe the state law is clear. FS 286.011(7) and FS 111.07 are clear that reimbursement is authorized to public officials.

The other opinion that the City Attorney should give is whether those Commissioners can, or should, recuse themselves from voting on this issue.

**Staff Recommendation:** If the opinion of the City Attorney is in agreement with the above, then the Council should pay reasonable reimbursement fee.

**Suggested Motion:** I move that we reimburse Commissioners Readey, Gold and Nielsen for their attorney fees for the amounts listed.

**Alternatives:** Do not pay them

**Fiscal Impact:** \$23,357

**Attachments:** Bills of Commissioners

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, ADOPTING AN OFFICIAL MUNICIPAL SEAL; CREATING A NEW SECTION 2-1 IN CHAPTER 2, ARTICLE I OF THE CITY CODE, GOVERNING USE OF THE CITY'S MUNICIPAL SEAL; RESTRICTING USE OF THE MUNICIPAL SEAL AND PENALIZING UNAUTHORIZED USE THEREOF; PROVIDING FOR USE OF THE MUNICIPAL SEAL BY THIRD PARTIES WHERE AUTHORIZED BY THE CITY; AUTHORIZING ADOPTION OF POLICIES, REQUIREMENTS, FORMS, AND DOCUMENTATION RELATED TO USE OF THE CITY SEAL; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council finds that adopting an official municipal seal will facilitate the process of creating a unique brand for the City of Belle Isle and communicating that brand to the public; and

**WHEREAS**, the City Council finds that adopting an official municipal seal will promote the consistent use of the image by all City departments and limit the proliferation of disparate logos and symbols that have been used in the past, which will serve to promote the City and the City's brand; and

**WHEREAS**, the City Council finds that adopting an official municipal seal by ordinance will provide additional protection to the City and the general public in prohibiting and penalizing unauthorized, misleading, and/or deceptive use of the municipal seal under Section 165.043, Florida Statutes, which provides:

The governing body of a county or municipality may, by ordinance, designate an official county or municipal seal. The manufacture, use, display, or other employment of any facsimile or reproduction of the county or municipal seal, except by county or municipal officials or employees in the performance of their official duties, without the express approval of the governing body is a second degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083;

and,

**WHEREAS**, the City Council finds that this Ordinance serves a municipal purpose and advances the interests of the public health, safety, and welfare.

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

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

**SECTION 2: ADOPTION OF MUNICIPAL SEAL.** The City hereby adopts as its official municipal seal the graphical depiction contained in the attached **Exhibit “A.”** A copy of the City’s municipal seal shall be kept by the City Clerk in the City’s records. Such graphical depiction shall be deemed the City’s official municipal seal regardless of size and whether displayed in color as depicted in **Exhibit “A,”** black-and-white, or any other color or combination thereof.

**SECTION 3: CITY CODE AMENDMENT.** There is hereby created a new Section 2-1 in Chapter 2, Article I of the City Code, as follows:

Sec. 2-1. – Municipal seal.

(a) The City has by ordinance adopted an official municipal seal, a copy of which is kept in the City’s records. The municipal seal adopted by the City constitutes its official municipal seal regardless of the size and/or coloring in which it is displayed.

(b) The municipal seal may be used by City officials and employees in the performance of their official duties and may be displayed on City buildings, properties, forms, correspondence, identification cards, websites, and other tangible property and electronic and digital displays related to official City business, except as otherwise provided by the City Council, City Manager, or this Section.

(c) In accordance with Section 165.043, Florida Statutes, the manufacture, use, display, or other employment of any facsimile or reproduction of the municipal seal, except by municipal officials or employees in the performance of their official duties, without the express approval of the City is a second degree misdemeanor, punishable as provided in Sections 775.082 or 775.083, Florida Statutes. Any use of the municipal seal that is prohibited by this section or which is otherwise not expressly authorized by the City is an unauthorized use under Section 165.043, Florida Statutes and this Section.

(d) The municipal seal shall not be used by or in connection with any political campaign, including but not limited to display on any political campaign literature, sign, or other printed, electronic, or televised message connected with a political campaign.

(e) The municipal seal shall not be used in connection with any communication or message in any form, whether printed or electronic, which has the intent or effect of deceiving or confusing the public as to whether such communication or message is made, approved, or endorsed by the City.

(f) The municipal seal shall not be used by any person or entity that is not an official, employee, or department of the City, unless expressly authorized by the City. The City Council or City Manager, and/or the City Manager’s designee may authorize the use of the municipal seal by any person or entity for any purpose provided that such use advances the interests of the City and/or the general public and is not contrary to this Section. The City Council, City Manager, and/or the City Manager’s designee may at any time adopt or amend policies, criteria, requirements, and

form agreements and documentation related to third-party use of the municipal seal. All authority granted in this section is subject to the City Council's ultimate control and discretion.

(g) Violation of this Section shall constitute a violation of the City Code, enforceable by any applicable method under the City Code or as otherwise provided by law.

**SECTION 4. SEVERABILITY.** If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 5. CONFLICTS.** In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

**SECTION 6. CODIFICATION.** This Ordinance shall be incorporated into the Belle Isle City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance or the City Code may be freely made.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.

**FIRST READING:** \_\_\_\_\_, 2018

**SECOND READING:** \_\_\_\_\_, 2018

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2018, by the City Council of the City of Belle Isle, Florida.

CITY COUNCIL  
CITY OF BELLE ISLE

\_\_\_\_\_  
Lydia Pisano, Mayor

ATTEST:

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

\_\_\_\_\_  
Date

**Exhibit “A”:**  
**Municipal Seal of the City of Belle Isle**



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## **City Policy/Procedure**

### **Subject: Use of City Logo and Ancillary City Logos**

#### **Purpose**

To protect the City's valuable property rights inherent in the City of Belle Isle logo and ancillary logos by governing its limited use by third party entities in a professional, consistent manner.

#### **Policy**

The City of Belle Isle logo and ancillary logos (e.g., former City Logo, or Belle Isle Police Department Logo, including badge) are official seals of the City of Belle Isle protected by Section 165.043, Florida Statutes, and represent the City's distinctive brand and reputation for excellence in municipal governance and public services. Pursuant to municipal ordinance and state law, City logos are exclusively used for official City business – for example, City communications, merchandise, facilities, signage, events and services. There are limited circumstances under which third parties may be granted permission to use the City logos on a case by case basis for reproduction (e.g., website, publications, print material, email, products, and signage). Any use that falls outside of the policy specifications is strictly prohibited. Any assumption of use, including past usage, is unacceptable.

#### **Procedure**

##### **1. Eligibility**

To be eligible for consideration, third party entities shall meet the established criteria set forth in this policy and have an agreement with the City as defined by this policy.

With the exception of government agencies and public institutions, inaugural or one-time programs and events primarily sponsored by third parties that are unfamiliar to the City or without a direct collaborative history with the City are ineligible to use City logos. These parameters help the City manage community expectations and protect the City's public image by building and assessing new relationships with third party entities over time. Permission to use the City logos is a privilege and requires direct, written City approval in every case.

##### **2. Application**

Organizations requesting permission to use the City logo or ancillary logos shall submit the application form available from the City Clerk.

The organization shall also sign an acceptance of terms and conditions form available from the City Clerk.

### **3. Evaluation Criteria**

The City Manager or his/her designee shall consider (as appropriate) any of the following criteria to evaluate the merits of the third party entity's proposal and the City's benefits of co-branding an event or program with the third party entity:

- Demonstrated commitment to the City's mission, core values, and goals;
- Impact on City core services, operations, assets, and facility resources;
- Financial viability;
- Media exposure value for key City messages;
- Economic impact (e.g. alternative funding sources gained for City priority programming and services);
- Protection of the City's best interests in the short/long term;
- Project timelines;
- Third party entity's experience, qualifications, and reputation;
- Communications strategy;
- Other relevant criteria as determined by the City Manager or his/her designee.

This policy and the above evaluation criteria shall not be construed to create any right or entitlement to use of the City's logo(s) regardless of whether an applicant can meet the requirements and/or evaluation criteria. Whether an applicant is granted the right to use the City's logo(s) is a discretionary decision on the part of the City.

### **4. Notice**

The City Manager or his/her designee shall review all applications for approval, modification or denial. Any applicant may appeal the City Manager's decision to the City Council within 14 days of receiving written notice of the City Manager's decision. To the extent feasible, the City Council will consider the appeal at the next regularly scheduled City Council meeting. The City Council's determination shall be final.

### **5. License Agreement**

Third party entities granted permission to use City logos for approved activities shall sign an agreement accepting the City's terms and conditions.

Not-for-profit organizations recognized by the City, State of Florida and/or United States may be granted use of the City logos without a license fee in connection with merchandise for sale.

For-profit corporations granted permission to use the City logos in connection with merchandise for sale shall enter a license agreement and pay a license fee. The license fee is five percent (5%) of the gross sales amount of the first sale of all items bearing the City logo unless otherwise waived. If the merchandise is given away, the fee will be \$50. The for-profit corporation shall register the City of Belle Isle as the point of sale for said merchandise.

### **6. Guidelines**

The City Manager or his/her designee shall ensure the following guidelines are adhered to:

- Reproduction of City logos shall adhere to the City's Logo Guidelines; improper use may result in termination of logo agreement and future use of City logos.
- Third party entities must submit a pre-event copy of final artwork for approval by the City Manager or his/her designee.
- City logos do not imply endorsement or sponsorship of any kind.
- Unaccepted use of the City logos include:
  - Use that advocates or promotes the sale or use of tobacco, alcohol, controlled substances, firearms or weapons;
  - Partnership agreements with retail, food or pharmaceutical establishments that may sell, in part, tobacco, alcohol, controlled substances, firearms or weapons shall be permitted provided that the City's collaboration with such establishments may not relate to, advertise or promote the prohibited items.
  - Use that promotes pornography, obscenity, indecency, or other material offensive to prevailing community standards or persons of ordinary sensibilities;
  - Use that promotes adult-oriented businesses;
  - Use that promotes religious messages or advocates or promotes religious beliefs;
  - Use to promote, or support, or in opposition to any political candidate or ballot measure;
  - Use to promote or support political messages not endorsed by the City Council; and
  - Use that in any way denigrates the City of Belle Isle, or its operation, or its officers, agents, or employees.

### **Acceptance of Terms & Conditions**

The City of Belle Isle is pleased to offer you the opportunity to use the Logo in accordance with the terms and conditions of this agreement. The City of Belle Isle hereby grants you a limited, nonexclusive, nontransferable, royalty free license to use and display the Logo in accordance with the terms set forth herein solely for the Requested Use and for a term of two (2) years only, unless earlier terminated by the City of Belle Isle.

You agree not to permit any other party to use or display the Logo. Nothing herein by implication or otherwise, will grant to you any rights other than as explicitly set forth herein. You understand and agree that any other use of the Logo whatsoever beyond the Requested Use as described in your Application for Use of City Logo is strictly prohibited and constitutes a breach of this Agreement and grounds for termination of your rights.

#### **This license to use the Logo is subject to the following terms and conditions:**

1. You agree to use the Logo separately by itself, without any prefix, suffix or modifying words, terms, designs or symbols and agree not to alter the Logo in any manner.
2. You agree the Logo shall not be used for political or commercial purposes.
3. You agree not to use any other trade mark, any trade name, product name or any other means of designation, commercial or business identification in association with the Logo so as to create a trademark merged with the Logo.
4. You agree not to use the Logo in any manner that may disparage the City of Belle Isle, its mayor, council members, employees, agents and others acting on its behalf (collectively, the "Related Parties"); that may be in violation of any of the proprietary rights of the City of Belle Isle or the Related parties; or that violates any applicable law, Ordinance, Land Development Code, or regulation.
5. You agree not to use the Logo in any manner that might imply sponsorship, endorsement or any association between you and the City of Belle Isle or the Related Parties. This includes campaign material.
6. You agree not to assist or allow any other person or legal entity to copy the Logo licensed to you or to use the Logo for any purpose whatsoever.
7. You agree at all times to defend, indemnify and hold harmless The City of Belle Isle, the Related Parties, and the successors and assigns of each of the foregoing (collectively, the "Indemnified Parties") from and against, and pay and reimburse the Indemnified Parties for, any liabilities, obligations, losses, damages, costs or expenses (including, but not limited to, interest penalties and reasonable legal fees) incurred in connection with any third party claims, arising out of, resulting from or relating to your use of the Logo, or any representation by you contained herein being untrue or any alleged act or omission by you, others who obtain the Logo licensed to you or copied from that Logo, or your agents in the performance of, or failure to perform, your obligations set forth in this Agreement.
8. You will ensure that your use of the Logo will not be in association with any libelous, defamatory, obscene or unlawful material, any material that might in any manner embarrass the City of Belle Isle or the Related Parties, or otherwise violate or infringe any right of any third party;

9. The City of Belle Isle shall have the right to terminate this agreement at any time and for any or no reason upon written notice to you whereupon you will immediately cease all use of the Logo and destroy all your copies of the Logo.
10. You agree that the Logo is provided to you on an “as is” basis without representation or warranty whatsoever whether express, implied or by operation of law. You agree to assume all of the risks associated with the Logo and your use thereof, and you further agree that neither the City of Belle Isle nor the Related Parties will be liable for any direct, indirect, incidental, consequential or special loss or damage suffered or incurred by you, even if the City of Belle Isle or any of the Related Parties has been apprised of the likelihood of such loss or damage occurring.
11. This Agreement shall be governed by and construed according to the laws of the State of Florida and the United States of America.

I agree to the above conditions.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Company or Organizational Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title



## Application for Use of City Logo

Prior to use of the City of Belle Isle logo, this application must be filled out and submitted to the City Manager at 1600 Nela Avenue, emailed to [bfrancis@belleislefl.gov](mailto:bfrancis@belleislefl.gov) or faxed to 407-240-2222.

Applicant's Name: \_\_\_\_\_

Organization/ Business (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Phone #: \_\_\_\_\_

Nature of Request: \_\_\_\_\_

Nature of material the City Logo will be used in: \_\_\_\_\_

Approved: \_\_\_\_\_ YES \_\_\_\_\_ NO

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date

\* The City of Belle Isle reserves the right to withdraw consent to use the City Logo at any time, even if permission had previously been granted and if monetary or in-kind support has been awarded by City Council.



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

**Meeting Date:** October 16, 2018

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

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

**Subject:** Ordinance 18-13, Proposed Charter Change

**Background:** As a result of the February election, the City Charter changed; however it was the Council's intent to review the entire charter to see if additional changes need to be made.

**This proposed change is to require that the charter changes must pass by at least 60% of the total vote at an election, not just by majority.** Currently the Charter states that regular city elections shall be held on the second Tuesday after the first Monday in March, or such other date as may be approved by the city council by the passage of an ordinance receiving a majority plus one vote of those voting on such ordinance, provided that such election date must be the same date as is most common for city elections in other cities within Orange County (Section 6.05 Elections).

State Statute 166.031(2) (Charter amendments) states: Upon adoption of an amendment to the charter of a municipality by a majority of the electors voting in a referendum upon such amendment, the governing body of said municipality shall have the amendment incorporated into the charter and shall file the revised charter with the Department of State. All such amendments are effective on the date specified therein or as otherwise provided in the charter.

**Staff Recommendation:** Approve the first reading of Ordinance 18-13.

**Suggested Motion:** I move that we approve the first reading of Ordinance 18-13; have the second reading and adoption on November 13, 2018; and instruct the City Clerk to place it on the March, 2019 Election Ballot.

**Alternatives:** Do not adopt the ordinance and allow the current language to stand

**Fiscal Impact:** None

**Attachments:** Draft Ordinance 18-13

**ORDINANCE 18-13**

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, PROPOSING AMENDMENTS TO THE CHARTER OF THE CITY OF BELLE ISLE SECTIONS 7.01 WITH RESPECT TO MATTERS INCLUDING BUT NOT LIMITED THE PASSAGE OF AN ORDINANCE BY THE VOTERS; PROVIDING FOR A REFERENDUM VOTE BY THE ELECTORS OF THE CITY OF BELLE ISLE ON THE QUESTION OF APPROVAL OF THE PROPOSED CHARTER AMENDMENTS AT THE ELECTION TO BE HELD ON MARCH 12, 2019; PROVIDING FORM OF BALLOT; PROVIDING FOR FILING REVISED CHARTER WITH THE FLORIDA DEPARTMENT OF STATE, AND OTHER DIRECTIONS TO CITY STAFF; PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE AND CHARTER AMENDMENTS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS.

WHEREAS, the City Council of the City of Belle Isle, Florida pursuant to Chapter 166, Florida Statutes, and Section 7.01, Charter of the City of Belle Isle, Florida, may submit to the electors of the City proposed amendments to the City Charter; and

WHEREAS, the City Council finds it in the best interests of the City and its residents to amend and revise the City Charter as provided herein; and

WHEREAS, the City Council desires to propose and submit to the electors of the City of Belle Isle for referendum vote the City Charter amendments provided for herein, at the election to be held on March \_\_\_\_, 2019.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA AS FOLLOWS:

1           Section 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct  
2 and are hereby made a part of this ordinance.

3           Section 2. Charter Amendment, Sec. 7.01. The City hereby proposes the amendment(s) to the City  
4 Charter described in the attached Exhibit "A," which amendment(s) shall be submitted to the qualified  
5 electors of the City of Belle Isle (words that are stricken out are deletions; words that are underlined are  
6 additions; stars \*\*\* indicate omitted sections and subsections and do not represent Charter amendments).

7           Section 3. Ballot Question, Sec. 3.01. The ballot title and summary for the City Charter amendment(s)  
8 described in Section 2 of this Ordinance shall be as set forth below, and shall be followed by the words "yes"  
9 and "no":

10           Question #1:

11           Amendment of Section 7.01, Belle Isle City Charter

12  
13 Shall Section 7.01 of the Belle Isle City Charter be amended to provide that the passage of a charter  
14 amendment ordinance must receive a sixty percent(60%)or more affirmative vote to be adopted of those  
15 voting on such ordinance,?

16           Yes \_\_\_\_\_

17           No \_\_\_\_\_

18  
19           Section 4. Referendum. The forgoing proposed amendments to the Charter of the City of Belle Isle  
20 and their accompanying ballot questions shall be individually placed on the City ballot and submitted to the  
21 qualified electors of the City of Belle Isle at the election held on March \_\_, 2019. The City Clerk is hereby  
22 authorized and directed to advertise the referendum election authorized herein in accordance with the  
23 applicable provisions of the City Charter, City Code, Florida Statutes, Florida Administrative Code, and federal  
24 law. In the event it becomes necessary, as determined by the City Council, to make modifications to any ballot  
25

1 question contained herein after adoption of this Ordinance, the City Council may make such modification by  
2 Resolution. In the event it becomes necessary, as determined by the City Council, to reschedule the  
3 referendum on the proposed amendments to the City Charter set forth herein, the City Council may make  
4 such modification by Resolution.

5 Section 5. Codification & Corrections. Any City Charter amendment provided for in this Ordinance  
6 which receives affirmative votes from the majority of the votes cast shall be incorporated into the City Charter  
7 of the City of Belle Isle. Any section, paragraph number, letter and/or any heading may be changed or  
8 modified as necessary to effectuate the foregoing. Grammatical, typographical and similar like errors may be  
9 corrected, and additions, alterations, and omissions not affecting the construction or meaning of this  
10 Ordinance or the City Charter may be freely made.

11 Section 6. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this  
12 Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether  
13 for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and  
14 independent provision, and such holding shall not affect the validity of the remaining portions of this  
15 Ordinance.

16 Section 7. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other  
17 Ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

18 Section 8. Directions to City Staff. City Staff under the direction of the City Manager are directed and  
19 authorized to take such actions as are necessary and advisable to effect and carry out this Ordinance and the  
20 City Charter amendments and referendum provided for herein. If the City Charter is amended, a copy of the  
21 revised City Charter shall be filed with the Department of State in accordance with Section 166.031(2).

22 Section 9. Effective Dates. This Ordinance shall become effective immediately upon adoption by the  
23 City Council of the City of Belle Isle, Florida. Any City Charter amendment provided for herein shall become  
24  
25

effective immediately upon approval by the certified voters of Belle Isle and certification by the Supervisor of Elections or other appropriate officer or entity.

**FIRST READING:** \_\_\_\_\_, 2018

**SECOND READING:** \_\_\_\_\_, 2018

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the City Council of the City of Belle Isle, Florida.

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

\_\_\_\_\_  
Lydia Pisano, Mayor

ATTEST: \_\_\_\_\_

Yolanda Quiceno, CMC-City Clerk

\_\_\_\_\_  
Approved as to form and legality,

Kurt Ardaman, City Attorney

1 STATE OF FLORIDA

2 COUNTY OF ORANGE

3 I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document

4 ORDINANCE 18-13 was duly and legally passed by the Belle Isle City Council, in session assembled on the

5 \_\_\_\_\_ day of \_\_\_\_\_, 2018, at which session a quorum of its members were present.

6  
7 \_\_\_\_\_

EXHIBIT "A"

**Sec. 7.01. - Charter amendment.**

**(C) Passage.** Charter amendments must pass by at least 60% of the total vote of at an election,



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

**Meeting Date:** September 18, 2018

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

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

**Subject:** Resolution - Personnel Manual Revisions

**Background:** In accordance with the City Charter, Section 4.09 (K), the City Manager establishes personnel policies governing appointment, retention and promotion of city employees, which policies shall include a grievance procedure, subject to approval by the city council by resolution. The City staff reviewed the current personnel policy and made changes that are highlighted on the new policy. Most of the changes are to clarify and write procedures that were “always done this way” but never put in writing. Other changes were made because they were changes to the Fair Labor Standards Act.

**Staff Recommendation:** Adopt Resolution

**Suggested Motion:** **I move we approve the revisions to the City’s Personnel Policy and propose a Resolution for adoption**

**Alternatives:** Do not approve the revisions.

**Fiscal Impact:** None

**Attachments:** Personnel Manual with changes highlighted.



# City of Belle Isle

1600 Nela Avenue, Belle Isle, FL 32809  
Tel 407-851-7730 \* Fax 407-240-2222 \* [www.cityofbelleislefl.org](http://www.cityofbelleislefl.org)

## EMPLOYEE ACKNOWLEDGMENT FORM

This employee handbook describes important information about the City and its employment policies, and I understand that I should consult my supervisor, the Finance Director, or the City Manager regarding any questions not answered in the handbook.

Because the information, policies, and benefits described in this handbook are necessarily subject to change, I acknowledge that revisions to the handbook may occur and that I am subject to whatever policy is in effect at the time an event occurs. All changes to the handbook will be communicated through official notices, and I am aware that revised information may supersede, modify, or eliminate existing policies. Only the City Council of the City has the authority to adopt any revisions to the policies in this handbook.

I acknowledge that this handbook is neither a contract of employment nor a legal document. I understand that this handbook is not to be construed by myself, or any employee, as binding terms and conditions of employment.

**As an employee of the City of Belle Isle, you are an "at will" employee. This means that either you or the City of Belle Isle may terminate the employment relationship at any time with or without reason or notice. Our at-will provision extends to all employees.**

I acknowledge that I have received a copy of this handbook, and I understand that it is my responsibility to read and comply with the policies contained in it and any revisions made to it. I further understand that this handbook supersedes any previous handbook or written policies or oral communications.

I acknowledge that I have read and understood the above paragraphs.

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

HANDBOOK DATE: \_\_\_\_\_

(Please sign and date this acknowledgment and return it to your supervisor for placement in your personnel file).



## SECTION 1 – INTRODUCTION

### 1.0 GENERAL POLICY

It is the Policy of the City Council of the City of Belle Isle to:

- A. Attract and recruit qualified employees from the competitive market.
- B. Create a positive and productive environment by providing employees with opportunities for advancement and career development.
- C. Provide compensation, benefits, assurance, and safeguards to its employees.
- D. Maintain public confidence in productivity, fairness and cost-effectiveness through the establishment of a system of personnel administration maintained and governed by principles and affirmative action guidelines which shall be based upon fair and objective personnel standards and measures.

**Nothing in these Personnel Policies and Procedures are intended as a contract of employment.**

**Florida is an “at-will” employment state, meaning that either the employee or the employer can terminate employment at any time and without any advance warning.**

**The City Manager, Chief of Police and Finance Manager shall be provided an Employment Contract separate from the following provisions unless specifically referred to in the agreement.**

Authority for the Personnel Policies and Procedures are established by the City of Belle Isle Charter and by the City of Belle Isle Code of Ordinances. The provisions of the Personnel Policies and Procedures shall be applicable to all City of Belle Isle departments, divisions, offices, operations, and agencies unless specifically identified in the City Code of Ordinances, department S.O.P.'s or by State Statutes.

**Police Officers have additional rights and privileges under Florida Statute 112.532**

All employees of the City have the responsibility to follow and carry out the policies outlined in this section. Management provides and supports a dispute resolution procedure for receiving and resolving complaints alleging discriminatory practices in employment relations. Employees are expected to bring any questions, issues or complaints to the attention of their supervisor. If you believe you have been discriminated against or harassed, or if you witness or suspect any violation of our policies, you should report the matter immediately to any supervisor or City Manager. If the complaint is in regard to an alleged violation of these policies by the City Manager, the complaint may be directed to the Mayor. The City will not retaliate against you for filing a complaint or cooperating in an investigation, and will not tolerate or permit retaliation by management, employees or co-workers.

### 1.1 PURPOSE

- A. The purpose of these Personnel Policies is to foster and promote a positive employment environment of mutual benefit and protection for employees and the City of Belle Isle; which encourages employee and public confidence in the administration of personnel management, consistent with the policies of the City Council. The policies and



## **1.5 RESIDENCY REQUIREMENTS**

Although there is no current residency requirement for employees, City Department Heads are encouraged to establish and maintain residency within a reasonable commute time of their official office within 6 months from the date of hire. Department Heads employed with the City as of the date of this manual change are exempt from this requirement.

## **1.6 WHISTLEBLOWER**

The City does not discriminate against employees who report in good faith alleged violations of state or federal laws, rules, or regulations.

## **1.7 RELIGIOUS ACCOMMODATION**

The City may provide reasonable accommodation for religious observances or practices of employees unless providing the accommodation would impose an undue hardship on the City; this may also include accommodating the wearing of religious clothing.

With management approval, an employee may use vacation or other available leave for religious activities; if accrued leave is not available, then an employee may request to take unpaid leave.

## **1.8 DOMESTIC VIOLENCE**

The City does not discriminate against employees who are victims of domestic violence, sexual assault, or stalking.

## **1.9 RETALIATION**

If the employee believes they have been discriminated against or harassed, or if the employee witness or suspect any violation of our policies, they should report the matter immediately to any supervisor or the City Manager. If the complaint is in regard to an alleged violation of these policies by the City Manager, the complaint may be directed to the Mayor. The City will not retaliate against you for filing a complaint in good faith, even if accusations are not substantiated, or cooperating in an investigation, and will not tolerate or permit retaliation by management, employees or co-workers.

The City will not tolerate unlawful retaliation or adverse actions against employees for engaging in protected activity. Federal Laws such as Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the American with Disabilities Act and Amendments Act, all prohibit an employer from retaliating against an employee engaged in a protected activity.

A protected activity is defined as opposing an unlawful practice prohibited by employment discrimination laws or participating in any way in an investigation, proceeding, or hearing of an Equal Employment Opportunity charge.

Any act of retaliation by a manager and/or coworker may result in serious adverse disciplinary action up to and include termination. Any staff member may file a complaint with the City Manager if he/she feels that they have experienced retaliation in any form.



## SECTION 3 – RECRUITMENT AND SELECTION

### 3.0 POLICY

- A. In accordance with the City of Belle Isle Equal Employment Opportunity policy, attracting and recruiting the best-qualified candidates shall remain the City's policy for employment recruitment and selection. This policy also assures that all employment decisions will be made on job-related factors and comply with the City's equal employment opportunity commitment.
- B. In compliance with the Americans with Disabilities Act of 1990, as amended, the City of Belle Isle shall not discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.
- C. When filling vacancies the City Manager may give first consideration to individuals currently employed with the City of Belle Isle and qualified individuals who are in layoff status. This does not preclude the consideration and selection of external applicants for any vacancy.
- D. Written job descriptions are developed and maintained, and continually reviewed for all City positions. They are utilized as a basis for establishing the minimum recruitment qualifications for attracting candidates for employment. These include, but are not limited to, job objective, essential job functions, and the minimum qualifications.

### 3.1 ANNOUNCEMENT OF JOB VACANCIES

- A. Job vacancies established under announcements, at the discretion of the City Manager, shall be posted through the placement of job postings on the City department bulletin board and work locations, and outside recruitment sources as established by the City Manager or his designee.
- B. Job announcements shall specify the job title, the salary range for the position, the time, place, and manner for making application, minimum qualification(s) requirements for consideration, any special requirements, and the following statements:
  - "The City is an equal opportunity employer, and as such, we consider individuals for employment according to their abilities and performance. Employment decisions are made without regard to age, disability, race, color, national origin, religion, sex, sexual orientation, veteran status, military status, association with members of a protected class, marital status, injured worker status, non-supervisory family relationships, union participation, or any other protected class or work relationship. All employment requirements mandated by State and Federal laws and regulations are observed."
  - "As part of our commitment to a drug-free workplace, a job applicant is offered employment conditional upon successfully passing a drug test. Refusal to take the test or failure to pass the test according to minimum standards, is cause for disqualification. If you become employed with the City, you may be required to



F. Merit Bonus.

From time to time the City may authorize a merit bonus to deserving employees based on their outstanding performance. Merit bonuses are subject to the availability of funds and approval of the City Manager.

- H. The City Manager or designee must administer these policies and procedures within the budgetary constraints established each fiscal year. Accordingly, all employees are hereby placed on notice that the payment of salaries and the granting of salary increases are always subject to the availability of adequate funding.

**5.3 EMPLOYEE RECORDS**

A. Workplace Privacy and Confidentiality

The City recognizes our employees' right to privacy. In achieving this goal, the City adopts these basic principles:

1. The collection of employee information typically is limited to information the City needs for business and legal purposes.
2. Personal information and information in confidential records ordinarily will not be disclosed, except as permitted or required by law, or as authorized by the employee.
3. Verifications of employment dates, job title, and wages may be provided without written approval.
4. Internal access to employee records will be limited to those employees having an authorized need-to-know.
5. An employee is permitted to review their personnel file, except for some exceptions (such as background screening information), and the employee may correct inaccurate information or submit written comments in disagreement with any material contained in their personnel records.
6. All employees have a responsibility not to disclose information about employees through overheard conversations, mislaid documentation, faxes, e-mails and hard copies of correspondence sent to a wrong destination. Unauthorized communication of confidential information is regarded as a serious matter.
7. The City maintains reasonable safeguards to ensure the security, confidentiality, and integrity of personal identifying information stored in the City systems.

All employees are required to follow these principles, as well as any other City policy or practice related to confidential information. Violations of this may result in corrective action, up to and including termination.



B. Entity

Florida law provides that “every person has a right to inspect any public record of a public body in this state.” “Public body” includes cities and counties and other public entities, such as the City. Although there are some exceptions (such as personnel files), most records in a public body are available to the public for inspections. It is the intent of the City to be responsive to requests for public records. Employees are to forward all requests for public information to our Custodian of Records (presently City Clerk).

C. Background Screening

The City stores background screening information in access-protected files. This file is not considered part of your personnel file, so it is not available to employees for review.

D. Personnel Files

The City Manager maintains the personnel records for all City employees. These files are the only authorized record of an employee’s status and history with the City. The file may be kept indefinitely, even after termination of employment. Only the City Manager may remove documents or information from a personnel file.

The personnel file includes information such as application forms, resumes, transcripts, reference letters, background investigations and other employment-related documents submitted to the City for original employment or subsequent position changes, training records, performance appraisals, copies of all official correspondence with the employee regarding commendations, discipline, grievances and employee comments regarding their performance or items in their file, and other employment records.

Personnel files are the property of the City and are considered and kept confidential, with a few exceptions. Only the employee (or a person designated by the employee in writing), the employee’s supervisor and management personnel have a legitimate reason to review information in a personnel file and are allowed to do so. Information in the personnel files may be treated as exempt from public disclosure under FS Title X, Chapter 119. Information which cannot be treated as confidential under the law includes name, job title, salary, and dates of employment with the City. Other information in the files may be subject to public disclosure by order of a court of competent jurisdiction. Materials that may be construed as derogatory toward the employee will not be placed in the personnel file without the employee’s written acknowledgment. The employee’s written acknowledgment only acknowledges that the employee is aware that the material is to be placed in the file and does not constitute the employee’s agreement with the contents of the material. The employee may include their own written statement of explanation or rebuttal with any material placed in the file.

E. Right to Examine Personnel File.

An employee or former employee may request to view the employee’s personnel file or may request a certified copy of the employee’s personnel file at any time. The City must comply with the request within 45 days after receipt of the request. Upon termination, the City must retain the employee’s personnel file according to the Florida Public Records Retention Laws. The City may charge an amount to the employee or former



employee to recover the actual cost of providing locating, copying, and certifying services.

F. Change in Personnel Data

Since personnel records are used to administer pay and benefits, and other employment decisions, employees are responsible for keeping information current regarding changes in name, address, phone number, exemptions, dependents, beneficiary, etc. Keeping your personnel records current can be important to you with regard to pay, deductions, benefits, and other matters. If you have changes in any of the following items, please notify the Finance Director to assure that the proper updates/paperwork are completed as quickly as possible:

- |   |   |
|---|---|
| ▪ Name  | ▪ Status changes to dependent benefits                  |
| ▪ Marital status/Domestic Partnership (for purposes of benefits eligibility determination only) | ▪ Person to be notified in case of emergency            |
| ▪ Address   | ▪ Other information having a bearing on your employment |
| ▪ Telephone number  | ▪ Tax withholding                                       |

G. Medical Records

All information regarding medical examinations of employees is collected and maintained in separate medical files and treated as a confidential medical record in accordance with applicable federal and state laws and regulations (including HIPAA). However, employee medical information needed by the City to carry out its obligations under federal and state laws, such as ADA and FMLA, will be placed in the employee's personnel file and is not protected under HIPAA.

Generally, employees "own" their medical information, which means that without the employee's permission, the City does not typically inform other employees of an individual's medical condition(s).

5.4 PAY DEDUCTIONS

The City makes certain pay deductions from an employee's earnings in accordance with state and federal law, such as income taxes, social security taxes, and Medicare. Additional deductions may be authorized by an employee in writing to cover costs of participation in City provided programs, such as insurance.

Court ordered wage withholding or garnishments on an employee's wages will be processed in accordance with applicable law.

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## SECTION 7 – EMPLOYEE BENEFITS

### 7.0 PURPOSE

In order to achieve the City's general policy to provide reasonable compensation, benefits, assurances, and safeguards to its employees, the City has developed and maintains a comprehensive package of benefits and programs for its employees.

### 7.1 HOLIDAYS

- A. The following are official holidays, where employees shall receive regular rate of pay and are not required to perform any work, which shall be observed by all departments in which functions can be discontinued without adversely affecting required services to the public.

New Year's Day	Veterans Day
Martin Luther King Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Eve
Labor Day	Christmas Day

Full-time employees are also provided with one "Personal Day" (with the approval of the City Manager, employees may choose to combine their personal day with another holiday). The Personal Day will be deposited in the employee's PTO bank October 1<sup>st</sup>.

- B. When a holiday falls on a Saturday, the preceding Friday will be observed as the official holiday. When a holiday falls on a Sunday, the following Monday will be observed as the official holiday.
- C. If a holiday occurs during an employee's paid absence (personal leave), the employee will not be charged for the absence but will be credited and paid for the holiday. An employee who is in a non-paid status the day immediately preceding and immediately after the holiday will not be entitled to holiday pay.
- D. Temporary employees/part-time employees are not eligible for holiday pay.

### 7.2 PAID TIME OFF (PTO)

#### A. Eligibility

1. All full-time employees are eligible to accrue Paid Time Off (PTO) beginning the first of the month following the date of hire. Part-time and temporary employees are not eligible to accrue PTO.



### **7.3 DONATION OF PTO**

The purpose of donated PTO is to assist any eligible employees with additional leave through the donations of eligible co-workers. All regular employees are eligible to request or donate PTO in cases deemed as "hardship" by the City Manager on the recommendation by the Department Manager. All donations will be kept confidential and donors will remain anonymous. Hardship donations are the only time PTO may be transferred between employees.

Donated hours must not be processed in an amount greater than that which is approximately necessary to cover the employee's next occurring pay period unless additional time is approved by the City Manager. Hours will be put to a pool for the employee in the order received by the Finance Dept. and drawn from the Pool in that same order. This donation is irrevocable but that if donated hours are not needed the hours unused will be returned to the donor's Accrual.

Donated PTO may be used to provide paid Family & Medical Leave that would otherwise be unpaid, but may not extend the length of Family & Medical Leave entitlement.

Donated leave may not be used to extend employment beyond the point that it would otherwise end by operation of law, rule, policy, or regulation. For example, if an employee would have otherwise been terminated due to layoff or other reasons, donated leave may not be used to extend employment.

#### **The Requesting Employee (Recipient) Must:**

- Provide documentation for a non-work related seriously disabling illness or injury, as certified by a physician.
- Have exhausted all accrued PTO and not be on, or eligible for, disability leave or pay.
- Have worked one full year at the City and have received satisfactory performance evaluations.
- Submit a request for donated PTO to their immediate supervisor indicating reason and anticipated amount of lost work time.

#### **The Donating Employee:**

- Must complete and submit a designated form indicating the desire to donate to the Finance Department representative with City Manager's approval.
- May donate up to a maximum of 40 hours of PTO per the calendar year but must retain a minimum of 40 hours vacation leave.

1. Any decision by the City Manager regarding PTO Donation will be binding. Donated time is calculated using the number of hours donated, the donator's hourly wage, and the recipient's hourly wage. Hours of PTO donated from co-workers will be converted to a dollar amount and then applied to the recipient's account at their own hourly rate.



## **SECTION 8 - PERFORMANCE EVALUATIONS**

### **8.0 PURPOSE**

- A. The City Manager or designee shall establish and administer a program to evaluate the quality of each employee's work performance and work behavior.
- B. Employee performance evaluations shall be used for, but not limited to, the following purposes:
  - 1. Documenting the supervisor's perception of the quality of each employee's work performance and work behavior.
  - 2. Advising the employee of strengths and weakness of his work performance and work behavior.
  - 3. Providing the employee with the supervisor's recommendations and expectations for improvement.
  - 4. Aiding supervisors in improving the effectiveness and efficiency of their operations.
  - 5. Documenting the basis for employee promotion, counseling, demotion or disciplinary action. However, the performance evaluation should not be used as the sole preponderant document for disciplinary action.
  - 6. Aiding in determining an employee's eligibility for any merit increase.
  - 7. Aiding in determining an employee's training needs.
  - 8. Setting performance objectives for the next evaluation period.

### **8.1 PROCEDURES**

- A. To ensure a meaningful performance evaluation system upon which the City can monitor the effectiveness of our organization and its operations, employees typically receive annual performance evaluations.
- B. The objectives of our annual performance management and formal appraisal process are:
  - To ensure that each person in our organization knows how he/she is performing against established performance standards;
  - To determine how well the city managers are performing in assisting employees with work performance and objectives;
  - To ensure communication and two-way feedback;
  - To provide a consistent, objective, and fair method for making compensation decisions;
  - To identify areas where an employee may need more training;
  - To provide a tool for career planning; and,
  - To provide a record of employee performance and contributions.
- C. Supervisors are accountable for providing employee development actions designed to improve and enhance employee performance, such as:
  - Reasonable employee training, including computer software proficiencies;
  - Assigning, directing, controlling and reviewing employee work;
  - Assisting employees in correcting deficiencies; and,



- Objectively evaluating employee performance during the evaluation period.

D. The performance appraisal program is intended to be participatory, involving your input as much as that of your manager, thereby helping you to contribute to the growth and improvement of the City. You are encouraged to:

- Inquire about your performance from time to time;
- Accept additional responsibilities and show initiative;
- Review opportunities for advancement within the organization;
- Ask for assistance in developing a goal-oriented path for advancement; and,
- Learn about training available to assist you in improving your skills.

E. The first performance evaluations are conducted at the completion of 6 months of service and 12 months of service, and annually thereafter in June of each year. Depending on your date of hire, the 12-month performance may be adjusted.

Performance reviews serve as one factor in decisions related to employment such as training, merit pay increases, job assignments, employee development, promotions, and retention. Written reports identify specific performance levels as compared to established standards, to acknowledge the merit of above standard performance, and to prescribe the means and methods for correcting performance deficiencies to the required level of performance. Supervisors and managers are accountable for providing employee development actions designed to improve and enhance employee performance.

A copy of the evaluation signed by the employee and supervisor will become part of the employee's personnel record.

F. Performance Evaluations shall be completed upon the following occasions:

1. After the first 6 months of service and 12 months of service, and annually thereafter in June of each year.
2. When an employee is assigned to a new supervisor, the releasing supervisor shall complete a performance evaluation and forward it to the receiving supervisor.

The job performance of each employee shall be evaluated on the basis of the degree of attainment of previously set objectives.

Supervisors shall accomplish the following:

1. During the employee's orientation outline for the employee the performance objectives of the job, give the employee written performance goals for the job and explain the performance evaluation process.
2. Six months after setting the objectives, review the objectives with the employee and amend as necessary.
3. Anytime the employee is experiencing performance problems, review the objectives during coaching sessions, and discuss with the employee how the employee might improve performance.



**City of Belle Isle  
Personnel Policies and Procedures**

4. During the probationary and/or annual performance evaluation, let the employee read the evaluation, explain to the employee how the performance evaluation for the period reflects the employee's success in meeting the objectives. Let the employee read the objectives for the next period, discuss them and answer questions about them.
5. Have the employee sign the performance evaluation and offer him the opportunity to make written comments if he desires. (If an employee refuses to sign the performance evaluation, note this on the evaluation form).
6. Department supervisors will review and sign the performance evaluation, making comments is not necessary, and forward it to the City Manager or designee for review and filing in the employee's personnel record.

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## SECTION 9 - TRAINING, EDUCATION, TRAVEL, AND EXPENSES

### 9.0 TRAINING AND EDUCATION

The City encourages employees to further their training and education in pursuit of improving job skills and enhancing their contribution to the City.

The term “training” as used in this section includes conferences, seminars, workshops, one-day courses at an educational facility or online, or other professional development programs of a similar nature. The term “college courses” is used to describe coursework taken through or online from an accredited college, university, and/or business or technical school.

The policy outlined in this section applies only to training or education programs that:

- Enhance the employee’s job performance;
- Serve as a beneficial retention tool in keeping high-quality employees; or
- Are required for certification or licensing.

### 9.1 TRAINING AND EDUCATION PLAN

Funding for any training or education programs will only be provided if the Department Head has prepared a written departmental Training and Education Plan as part of their annual budget submittal. The Training and Education Plan must include an explanation of the following:

The requested funding for training and education for the department, by the employee.

A clear justification for each requested amount. The Department Head should consider whether the proposed training is the best way to acquire the information for the City or to achieve a Training and Education Plan goal. Training programs may be mandatory or voluntary.

An explanation of how these expenditures relate to an employee’s performance goals.

A prioritization of these requested expenditures in the event, not all requests approved.

Training and Education Plans are submitted to the City Manager for review and approval.

Only training and education consistent with the Training and Education Plan will be approved for funding and expense reimbursement.

Supervisors should discuss training and education goals with the employee in their regular performance evaluation session and these goals should be specifically detailed in the written evaluation form.

### 9.2 TRAINING CLASSES AND PROGRAMS.



The City will pay for all registration fees for training classes and programs included in the employee's Training and Education Plan. Employees should consult the Travel and Expense Guidelines below to determine what expenses related to travel, meals, and lodging in conjunction with training are reimbursable. In some cases, you will be required to obtain an advance for some expenses in lieu of reimbursement. Travel and attendance time for training classes and programs required by the City will be considered time worked, as allowed by state or federal law.

When appropriate, employees may be asked to share/present information they have received from their training to others in the department.

All arrangements for training must be made in the most cost and time efficient manner as possible.

Only expenses for the employee will be paid for. All books and materials paid for by the City will become the property of the city.

### **9.3 TRAINING, SEMINARS AND CONFERENCES.**

Outside training required by the City will be paid for by the City and time spent in required training will be considered time worked. Similarly, the City will pay for training and/or testing associated with certifications and professional licenses that must be maintained or upgraded solely as a continuing requirement for an employee's current position. With Department Head approval, paid time off may be granted in lieu of considering the time spent in required training or participating in examinations for the required certification as time worked.

### **9.4 EDUCATION CLASSES AND PROGRAMS (COLLEGE COURSES).**

The City will pay for tuition, books and related materials for education classes and programs included in the employee's Training and Education Program. Books and related materials will become the property of the City. Employees should consult the Training and Expense Guidelines below to determine what expenses related to travel, meals, and lodging in conjunction with education are reimbursable. In some cases, you will be required to obtain an advance for some expenses in lieu of reimbursement. Travel and attendance time for education classes and programs required by the City will be considered time worked, as allowed by state or federal law.

Reimbursement for education is made only if the employee receives a grade of "C" or better for undergraduate coursework or a grade of "B" or better for graduate coursework. Non-graded courses will require a written statement from the instructor indicating the employee successfully completed or passed the course.

The City will provide tuition reimbursement for college coursework not to exceed the tuition level established college. Department Heads should explore less costly college courses available at other institutions before approving and finalizing a Training and Education Plan.



Prior to participating in a reimbursable education class or program, employees must sign a written authorization to have any costs reimbursed by the City deducted from their final paycheck, should they fail to comply with the following reimbursement guidelines:

The following reimbursement guidelines apply when an employee's employment with the City terminates for any reason:

If termination is within one year of the completion date of the class, 100% of the amount of reimbursement for the education class or program will be deducted from the employee's final paycheck.

If termination is prior to three (3) years after the completion date of the class, 50% of the amount of the reimbursement will be deducted from the employee's final paycheck.

If termination occurs after three (3) years from the completion date of the class, no amount will be deducted.

If the reimbursement amount owed is more than the final paycheck, the employee must pay off the remaining amount. Failure to repay the amount owed to the City will result in the outstanding amount being turned over to a collection agency.

#### **9.5 PROFESSIONAL ORGANIZATIONS**

The City may authorize membership in professional organizations where the membership is of benefit to the City in terms of keeping the employee abreast of current developments in their field or profession. Additionally, the City recognizes the value of community service through applicable organizations and in membership in those programs. In all cases, membership fees must be approved by the Department Head in advance of payment.

The City encourages attendance at related meetings and the employee's supervisor may approve periodic absences to attend these meetings. If participation in the organization is not part of the employee's Training and Education Plan, the employee must use accrued leave for these purposes.

Miscellaneous expenses associated with the programs conducted by professional organizations (luncheons and seminars) may be reimbursed in accordance with the Travel and Expense Guidelines if there has been prior approval from the Department Head in accordance with this section.

#### **9.6 TRAVEL AND EXPENSE GUIDELINES**

For Travel and Expenses please refer to the City Policy for travel, lodging and expense reimbursement.



## **SECTION 10 – CODE OF CONDUCT**

### **10.0 GENERAL STATEMENT**

The City believes policies and procedures are essential for the orderly operation of our business and for the protection and fair treatment of all employees. As a result, we have clearly identified performance expectations so that everyone can act in accordance with our workplace standards. Courtesy and common sense should always prevail. The following work rules are not all-inclusive but serve as guidelines to demonstrate work behaviors considered important to the City.

The employee is expected to be at work on time, remain until your workday ends, and perform the work assigned to or requested of you. If you are unable to be at work on time, you are expected to contact your manager prior to the start of your work shift. If that individual cannot be reached, you are expected to contact an alternate managerial representative.

The employee is expected to regard your workplace with respect and attention. The City records, equipment, and property are to be treated carefully and appropriately. You are responsible for those items in your care and custody and will be held accountable for their maintenance, appropriate use, and/or accuracy.

The employee is expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by the City or outside regulatory bodies.

The employee is expected to conduct yourself in a professional and respectful manner, exhibiting a high regard for our citizens, vendors, business associates, and co-workers. No breach of professional behavior (abusive language, harassment, personal business during work time, etc.) will be condoned. This also applies to alcohol or drug consumption when representing the City in a business or social capacity.

The employee is expected to maintain the confidentiality of the City information or member information in your possession (i.e., personal information, executive session materials, etc.).

The employee's personal appearance at work should be neat and consistent with a professional atmosphere, keeping in mind the impression made on citizens, visitors, and other employees, and the need to promote the City and employee safety. Good individual judgment is the best guideline, but management retains the right to decide what appearance at work is appropriate.

This information regarding unacceptable practice/behavior may help in providing guidance for employee actions. The employee is urged to use reasonable judgment at all times and to seek advice from your supervisor in any doubtful or unclear situation. By everyone doing their best to meet both the spirit and intent of these guidelines, employee disciplinary issues should be minimal. As a matter of policy, the City seeks to resolve conduct and performance problems in the most informal and positive manner possible. However, when someone does not conduct her/himself within the intent of the work rules, the action may be taken to correct the situation promptly and completely. Violations of workplace rules may result in corrective action, up to and including immediate discharge.



We also believe that all City employees should be given an opportunity to be heard in matters involving discipline if termination is the likely outcome. We have adopted a policy of allowing an employee to present his/her perspective prior to the imposition of termination.

We encourage all employees to become familiar with the non-discrimination policy and complaint procedures outlined in this manual.

#### **10.1 CODE OF ETHICS**

At the City, we believe in treating people with respect and adhering to ethical and fair business practices. We expect employees to avoid situations that might cause their personal interests to conflict with the interests of the City or its citizens, or situations that may compromise its reputation and integrity.

The successful operation and reputation of the City of Belle Isle are based on the ethical conduct of the City's employees. The City's reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, regard for the highest standards of conduct and personal integrity, and fairness.

All City employees are considered public officials and are subject to the State of Florida's Ethics Rules. The City will comply with these and all applicable laws and regulations and expects all employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct. Information on these laws is available at the Florida Government Ethics Commission website, [www.ethics.state.fl.us](http://www.ethics.state.fl.us).

In general, the use of good judgment based on high ethical principles will guide you with respect to lines of acceptable conduct. If a situation occurs where it is difficult to determine the proper course of action, the matter should be discussed with your supervisor and, if necessary, Department Head, for advice and consultation.

Compliance with this policy of business ethics and conduct is the responsibility of every City employee. If you believe anyone has violated this code of ethics, you should report it to a supervisor immediately.

Employees who violate the Ethics Policy or who create an equally detrimental impact on the City may be subject to disciplinary action up to and including discharge.

All employees are expected to report immediately to their supervisor any and all suspected violations of these policies or of any City regulation. Failure to do so may subject the employee to disciplinary action.

#### **10.2 CONFLICT OF INTEREST**

Employees must conduct the City's business in such a way that prevents actual or potential conflicts of interest. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision or gains information that is not available to the public that may result in a personal gain for that employee, or for a relative, as a result of the City's business dealings. For the purpose of this Section, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.



The mere existence of a relationship with an outside firm or member of the public seeking a City service does not necessarily create a conflict of interest. However, if an employee has an influence on transactions or a decision-making process, the disclosure of the relationship must be made immediately to the employee's supervisor or Department Head so that safeguards can be established if necessary to protect all parties.

City employees who may be in a position to influence City decisions shall refrain from relationships which may adversely affect their judgment in dealing with City suppliers of goods and services or with other public agencies.

- A. An outside personal or business/economic relationship which affords present or future financial benefits to an employee, an employee's family, or to individuals with whom the employee has a business or financial ties, may be considered a conflict of interest requiring evaluation by City officials or designated representative when:
  - 1. The employee acts as director, officer, agent, sole proprietor, partner, stockholder (if owning in excess of ten (10) percent of securities outstanding), an employee, paid consultant or advisor to a City supplier or with other public agencies.
  - 2. The employee is engaged in a private business or financial relationship which may secure the advantage of goods, services or influence due to the employee's position with the City.
  - 3. The employee procures or designates sources for the procurement of any parts, materials, services, supplies, and facilities for City purchase or lease in the employee's name or in the name of others.
- B. An employee having an outside personal or business/economic relationship under the conditions specified above shall disclose in a written sworn statement to his department supervisor, or City Manager or designee, in case the department supervisor is the employee, at six (6) month intervals the nature and scope of the relationship and the extent of financial benefits received.
- C. The City Manager or designee is responsible for investigating the situation; determining if a conflict of interest does exist; and making any changes that are necessary to eliminate the conflict of interest or the appearance of a conflict of interest.

### **10.3 GIFTS AND GRATUITIES**

- A. No employee shall solicit or accept anything of value, including a gift, loan, reward, promise of future employment, favor or service, based upon an understanding that the official action or judgment of the employee would be influenced thereby.
- B. No employee or his spouse or minor child shall at any time, accept any compensation, payment, or thing of value when such employee knows or with the exercise of reasonable care should know, that it was given to influence any action in which the employee was expected to participate in his official capacity.
- C. Employees that regulate, enforce code provisions or review project proposals, procurement or bids under evaluation shall not accept anything of value (meals included)



from a person who currently has a project, proposal, procurement or bid before the employee or a committee on which he serves.

- D. Employees shall report in writing immediately to the City Manager or designee the attempt by anyone to offer any above-described gift or gratuity.

However, unsolicited gifts such as flowers and candy are considered “de minimus” and may be accepted so long as the gift does not provide the employee with any personal gain. If you are offered a gift and are not sure whether to accept or deny it, you should contact your supervisor or the City Manager for guidance.

#### **10.4 DISCLOSURE OF INFORMATION**

Information which is obtained in the course of official duties shall not be released by any employee unless the employee is charged with its release as a part of his official duties. Any release of City business information shall be approved by the City Manager.

Employees may not, either directly or indirectly, use their official positions with the City or information obtained in connection with their duties for private gain or personal benefits. Employees who prepare requests for quotes, requests for bids, requests for proposal, evaluate quotes, bids, or proposals, or who recommend awards shall not release information that would give an unfair advantage to one offerer over another offerer. If any employee is aware of such release, he shall immediately notify the City Manager or designee in writing. If the procurement process continues, the City Manager or designee shall notify the Council of the incident at the time approval of the procurement is requested of Council.

#### **10.5 CONFIDENTIALITY**

Employees working at the City have access to highly confidential, legally protected, and proprietary information. Confidential information includes all information acquired by an employee during the course of employment that is of economic value to the City and not generally available to the public, including legally protected information. Financial data, payroll information, formulas, business plans and member data such as enrollment data are typical examples of information that the City considers to be proprietary and confidential. The unauthorized disclosure of such information would have a material adverse impact on the integrity of the City and would have an adverse impact on our relationships with our employees.

No records or information including (without limitation) protected medical data, documents, files, records, computer files or similar materials (except in the ordinary course of performing duties on behalf of the City) may be removed from our premises without permission from the City. Additionally, the contents of records or information otherwise obtained in regard to the City business may not be disclosed to anyone, except where required for a business purpose. Employees are subject to appropriate disciplinary action up to, and including, dismissal for revealing information of a confidential nature. Since many times it is difficult to distinguish between common and confidential information, the best rule to follow is not to discuss business information with persons outside of the City unless employees have received prior approval from their manager.

All information acquired by an employee during the course of employment is to be used solely for the benefit of the City and, through the City, for the benefit of our employees. The use of



such information for personal advantage or disclosure to others is strictly prohibited. Likewise, any materials developed by our employees in the performance of their jobs is the property of the City. Employees may not take this material with them when they leave our employment, remove it from the offices for non-work related reasons, or copy or distribute it to persons or companies, other than as required in the course of business, without written approval from the City Clerk as Custodian of Records.

#### **10.6 MISREPRESENTATION**

As a City employee, you should consider how you represent us in your business transactions and interactions. An employee should be careful not to misrepresent our policies, practices, procedures, or prices, or misrepresent your status and authority to enter into agreements. An employee may not use the City name, logo likeness, facilities, assets or other resources, or the authority of your position with the City for personal gain or private interests.

#### **10.7 PUBLIC INFORMATION**

The City Manager is designated by the City to be the Public Information Officer (PIO). Media inquiries or other similar inquiries should always be referred to the City Manager before responding. If an employee has received permission to communicate to others, such as the media, on behalf of the City in the course of their work duties, the employee should remember that they are representing the City and should ensure that any comments made reflect the City's position on the issue being discussed.

The City has an obligation to keep citizens informed about issues of public interest. Citizens will be provided information through a variety of sources such as newsletters, website, press releases, etc. Citizen request for written information is subject to the Florida Sunshine Law. All public records requests should be processed through the City Clerk, who is designated as the City's Custodian of Records.

#### **10.8 DRESS AND APPEARANCE**

- A. The City respects an employee's individuality and the use of common sense in choosing appropriate clothing to be worn during business hours. Each employee should recognize the importance of personal appearance to the professional image of the City and dress and groom according to the requirements of the position. This is particularly true if the job involves dealing with members of the public.
- B. Generally, neat and casual businesslike or professional apparel is appropriate. Jeans, shorts, and T-shirts, are not, although jeans are acceptable if permitted by your supervisor. Employees performing labor or fieldwork may have additional guidelines and may be given a clothing allowance. In some cases, such as police and public works employees, uniforms are required, in which case uniforms will be provided at the City's expense.
- C. Employees shall not consume alcoholic beverages while on duty, inclusive of meal time, nor on off-duty hours while in uniform.



abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

Employee Assistance Programs/Alcohol and Drug Rehabilitation Programs The following is the name and telephone number of the employee assistance program which employees may utilize, as appropriate.

Gilstrap & Associates, Restoring Lives. Healing Hearts.

7601 Conroy-Windermere Road Suite 202, Orlando, FL 32835

Telephone: 407-522-9919

- E. Safety Sensitive employees, as a condition of employment, will be required to participate in pre-employment, random and reasonable suspicion testing upon selection or request of their supervisor or the City Manager, at any time during the course of their employment. Safety Sensitive employees include positions where a valid commercial driver's license (CDL) is required, a position that possess law enforcement powers or is required or permitted to carry a firearm while on duty, or is state certified as a firefighter, paramedic or emergency medical technician, a position which has unsupervised access and direct contact with minor children or the elderly, a position that is responsible for handling or using hazardous or explosive materials.
- F. Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program, all employees will receive a written copy of the policy and the policy will be reviewed in orientation sessions with a new employee.

## 10.6 **WORKPLACE VIOLENCE**

In addition to providing a safe place to work, the City is committed to providing a violence-free place to work. To this end, employees, visitors, or anyone else on City premises or engaging in City-related activities are prohibited from behaving in a violent manner or threatening to behave in a violent manner. In order to prevent any workplace violence before it begins, the City reserves the right to address any behavior suggesting a propensity towards violence, even prior to the occurrence of any violent behavior.

Workplace violence includes the following:

- Threatening words or behavior of any kind;
- Behavior that is threatening, physically aggressive, or violent, such as intimidation or attempts to instill fear in others;
- Belligerent speech, excessive arguing, swearing, threats of sabotage, or any other verbally violent behavior
- Causing physical damage to property; or

Any employee who believes that workplace violence has occurred should report the circumstances immediately to their supervisor or any other person in a supervisory position with whom the employee feels comfortable. No employee will suffer any adverse consequences as a result of acting in good faith to bring the violence to the City's attention or participate in an investigation.



Any report of workplace violence will be promptly investigated and prompt corrective action taken to address any workplace violence found to have taken place, including action against the party engaging in workplace violence. If an employee is found to have committed workplace violence, the employee will be subject to discipline, including termination.

#### **10.7 GENERAL SAFETY AND HEALTH**

- A. The City is committed to providing its employees with a safe and healthful work environment. To accomplish this goal, everyone must diligently undertake efforts to promote safety. Safety is everybody's responsibility!
- B. The City, through its Safety Committee, develops and implements safety rules and regulations contained in the Safety Manual. The manual resides with the Safety Committee Chair who maintains and makes the document available for viewing. This process is ongoing and requires periodic safety audits. Safety audits are undertaken to determine the necessity and feasibility of providing devices or safeguards to make the workplace safe and healthful. The City will educate employees as to hazards of the workplace and train employees as to such hazards and the proper and safe method to perform job tasks.
- C. The City provides for the continuous monitoring of the working conditions of its employees and equipment for the observance of safety requirements.
- D. Employees will observe all safety rules and regulations established in the City Safety Policies and Procedures. Employees will report all unsafe conditions or practices to their supervisor. Employees are responsible for reporting all injuries, no matter how minor, to their supervisor.
- E. The City provides, at its expense, certain items of safety equipment that must be worn by employees to whom the safety equipment has been issued at all times during the working hours unless directed otherwise by immediate supervisors.
- F. Failure of an employee to use issued safety devices and/or failure of an employee to file a written report of injury sustained and/or causing any damage on the job, or vehicle accident, may result in disciplinary action up to and include termination.
- G. City vehicles shall be operated in strict compliance with all laws which apply to motor vehicles in the State of Florida. This includes the Florida Seat Belt Law. Violators will be responsible for any fines incurred and subject to disciplinary action.



## 10.8 ACCIDENT/INCIDENT REPORTING

Employees should always report accidents as promptly as possible because prompt reporting will help mitigate damage or processing delays after an incident. Each employee is expected to cooperate fully and assist in reporting and gathering accident information. This policy applies equally whether the employee is at work or on business or other City-related travel.

A city accident report should be completed whenever:

- An employee is involved in an accident that results in injury or damage to any person or property;
- An employee is involved in an accident that may result in injury or damage to any person or property;
- City property is lost, damaged or stolen; or
- An employee is injured on-the-job.

### A. Medical Assistance.

Employees should render first aid consistent with their first aid/CPR training or seek medical attention as soon as possible for any injured person. Do not render first aid assistance unless you have been trained to do so, and possess a current first aid card.

### B. Accident Reports.

Employees should report accidents to the supervisor immediately. As soon as possible after the accident, the employee and supervisor must complete a City accident report. The accident report is submitted to the City Manager with the supervisor retaining a copy for the department's records.

### C. Accidents or Incidents Involving Private Parties.

Accidents involving private parties can and do occur. In these situations, never discuss who was at fault or who should pay for any costs. Doing so may prejudice the City's rights in any subsequent dispute and ability to recover from insurance companies. Always complete an accident report with as much information as possible and, if possible, take pictures to ensure complete documentation of the incident.

## 10.9 JOB-RELATED HEARINGS

As a condition of employment, any employee may be required, upon due notice, to cooperate with respect to any job-related hearing or inquiry conducted by any person authorized by law to conduct such hearing or inquiry, and, in particular by the City Manager.

- A. If any employee willfully refuses or fails to appear or appears but refuses to answer any questions relating to matters arising out of City employment which may be asked by the department supervisor or any other authorized person or official, the employee will be subject to discipline up to and including termination.

### B. Indictment



- Use of racially derogatory words, phrases, epithets
  - Demonstrations of a racial or ethnic nature such as a use of gestures, pictures or drawings which would offend a particular racial or ethnic group
  - Comments about an individual's skin color or other racial/ethnic characteristics
  - Making disparaging remarks about an individual's gender that are not sexual in nature
  - Negative comments about an employee's religious beliefs (or lack of religious beliefs)
  - Expressing negative stereotypes regarding an employee's birthplace or ancestry
  - Negative comments regarding an employee's age when referring to employees 40 and over
  - Derogatory or intimidating references to an employee's mental or physical impairment.
- C. It is a violation of City policy for a City employee to engage in any act or behavior as defined herein as sexual harassment. The City will take action against any employee deemed to have violated this policy. Such action will include a range of disciplinary measures, up to and including termination.
- D. Any employee who experiences or witnesses sexual or other unlawful harassment in the workplace, you must report it immediately to your supervisor. If the supervisor is unavailable or is the subject of your complaint, you should immediately contact the City Manager. If the City Manager is unavailable or is the subject of your complaint, you should immediately contact the City Attorney. You can raise concerns and make reports without fear of reprisal or retaliation.

All allegations of sexual harassment will be quickly and discreetly investigated by the City Manager or designee. To the extent possible, your confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, you will be informed of the outcome of the investigation. Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must immediately advise the City Manager, or if the City Manager is the subject of the complaint, the City Attorney, so it can be investigated in a timely and confidential manner. Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

- E. All employees are responsible for knowing the City's policy on sexual harassment and following this policy. All supervisors are responsible for maintaining a workplace free of any form of sexual harassment and for enforcing this policy. To ensure this policy is followed, supervisors shall require all employees to participate in at least one sexual harassment training program each year. If a department is experiencing any issues with respect to sexual harassment, additional training programs should be added. Supervisors will be required to have each participating employee certify their attendance in writing and to place the written certification in the employee's personnel file.



#### **10.14 USE OF CITY PROPERTY**

- A. Employees are expected to exercise reasonable care in the safekeeping, use, and preservation of City equipment, tools, vehicles, materials, uniforms, etc. Personal use of City equipment, materials, tools, supplies, etc., is strictly prohibited and may constitute a criminal offense.
- B. All employees shall promptly report in writing to their supervisor the loss, damage or unserviceable condition of any City property.
- C. Negligence in the use and care of City property, including abuse, misuse, willful or negligent loss or destruction can result in disciplinary action and/or restitution. More serious cases may result in civil or criminal action in the courts.
- D. Members of the Belle Isle Police Department are authorized to take vehicles home in accordance with BIPD Policy A-BIPD 6, Use of City Vehicles.

#### **10.15 TELECOMMUNICATIONS**

- A. City telephones and related equipment are to be used primarily for the performance of City business. The printed record of a telephone call or text message, generated and distributed internally by the City or received externally from a telephone company, is as much a public record, and as such is subject to the standards applied to public records, as any other City document.
- B. For additional information, please refer to the City's policy on Social Media.

#### **10.16 USE OF ELECTRONIC MAIL/WEB ACCESS**

- A. Electronic mail ("email") and web access are provided to the City of Belle Isle employees and others working on behalf of the City to assist and facilitate business and communications. All information stored, transmitted, received or contained in the City of Belle Isle email system is the City of Belle Isle's sole property. All emails must conform with the City of Belle Isle's policies, practices, and commitment to ensuring a work environment where all persons are treated with respect and dignity. Employees must treat all correspondence sent using the City of Belle Isle's email systems as if public and printed on City of Belle Isle letterhead.
- B. The City of Belle Isle recognizes that work and family responsibility place demands on associate and that email communication can be helpful in dealing with family and other personal matters. Employees may use the City's email systems to send and/or receive occasional personal email messages, provided that such use does not interfere with work responsibilities or other business needs or violate the law or the City of Belle Isle's Policy set forth herein. Such messages shall be treated no differently from business messages and, like all email usage subject to this Policy can be included in the City's reviews of the City of Belle Isle property, equipment, phone lines, computers, and information, as described below.

The City of Belle Isle strictly prohibits all of the following:

- 1. Communications that may constitute verbal abuse, slander, defamation, or trade disparagement of City employees, vendors, suppliers, or others.



2. Communications that may constitute offensive, harassing, vulgar, obscene, or threatening language, including disparagement of others based on race, national origin, marital status, sex, sexual orientation, age, disability, pregnancy, religious or political beliefs, or any other characteristic protected under federal law, state law, local law, and City Policy.
  3. Communications that involve conducting business on behalf of an entity other than the City of Belle Isle, or on behalf of any individual, including the employee.
  4. Creation, distribution or solicitation of sexually oriented messages or images, unwelcome sexual advances, requests for sexual favors, or other unwelcome conduct of a sexual nature.
- C. For additional information, please refer to the City's policy on Social Media.

#### **10.17 SMOKING/TOBACCO PRODUCTS**

The City seeks to provide a healthy and safe environment. Accordingly, the use of tobacco products is prohibited in all City buildings, vehicles, and equipment. Supervisors are responsible for determining appropriate designated employee areas. An employee may utilize the rest and meal periods for the use of tobacco.

#### **10.18 SECURITY INSPECTIONS**

The City provides desks, drawers, lockers, vehicles, appliances, and other spaces to employees to use in the performance of a job or for personal use. These items remain the property of the City at all times and are subject to search, seizure, transfer, or removal by the City with or without notice at any time. Consequently, employees should have no expectation of privacy when using any property or equipment owned by the City.

The City may search any City property for any reason with or without a legal warrant. The City may retain items found during a search for use in any legal matter, disciplinary process, or for any other lawful purpose.

#### **10.19 EMERGENCY CLOSING**

Emergencies, such as severe weather, fires, etc., can disrupt City operations. In extreme circumstances, this may require the closing of a City work facility. If the event occurs during nonworking hours, media outlets will be asked to broadcast notification of the closing. The City Manager, or his designee, will contact each supervisor, who is responsible for contacting affected employees to notify them of the closure.



## SECTION 13 – SEPARATIONS FROM EMPLOYMENT

### 13.0 TYPES OF SEPARATIONS

#### A. RESIGNATION

Resignation is a voluntary act by the employee to terminate employment with the City. The City requests that all employees provide at least two weeks' written notice specifying the employee's anticipated final day of employment. Employees absent from work without reporting for a period of three days or more or who fail to return to work following a leave of absence are considered to have resigned voluntarily. The employee's last day of work will be considered the termination date.

Resigning employees will be asked their reasons for resignation at the exit interview.

#### B. LAYOFF

A layoff is the termination of an employee due to the elimination of a position. A position may be eliminated as part of a reorganization, elimination or contracting out of a program or service, lack of work or funds, or other reasons. The layoff is not an alternative to a disciplinary termination or demotion of an employee (see Section VII above).

#### C. RETIREMENT

An employee is considered to have voluntarily terminated employment when they are eligible for and to receive a monthly benefit from a qualified retirement plan offered by the City.

#### D. DISABILITY

Loss of ability to perform job requirements through illness or injury may result in termination for disability.

#### E. DISCIPLINARY TERMINATION

Disciplinary termination (or discharge) is the termination of an employee for cause as described in Section VII above. Only the City Manager may discharge an employee.

When disciplinary termination is recommended by a Department Head, the Department Head should provide their written recommendation to the City Manager and attach all supporting documentation. The final decision to discharge is made by the City Manager.

#### F. AT-WILL EMPLOYMENT

As an employee of the City, you are engaged in an "at will" employment relationship. This means that either you or the City may terminate the employment relationship at any time with or without reason or notice. Our at-will provision extends to all employees unless otherwise exempted by a separate employment agreement or collective bargaining agreement.



No one other than the City Manager has the authority to enter into any employment agreement contrary to the provisions outlined in this Handbook and the Handbook cannot be altered except by City Council. The City is also not bound by any oral promises concerning your length or conditions of employment.

G. PRE-TERMINATION HEARING.

Pre-termination hearings are not required but are always recommended. A pre-termination hearing may be required by a collective bargaining agreement. Pre-termination hearings should always be documented in writing by the supervisors in attendance.

H. TERMINATION PROCEDURE/EXIT INTERVIEW

An exit interview must be conducted with all terminating employees prior to or at the time of resignation or termination. The purposes of the interview are to secure forwarding addresses, review final hours accrued and due at termination, complete all retirement and insurance forms, and explain the final check due to the employee. In some cases, the purposes will also include an explanation of reasons for termination in the case of discharge and resignation. The City Manager or Department Head shall conduct the exit interview.

Except as provided through COBRA, all pay and benefits shall cease as of the date an employee terminates with the exception of health benefits which will terminate on the last day of the month in which the employee was terminated. The final check will include all accrued leaves that are payable at termination.

Upon termination, the Department Head is responsible for ensuring that the terminated employee has turned in all keys, tools, uniforms, and/or other City property used by them or in their possession.

Employees will be asked to sign a Reference Request Release pursuant to which the City will release only the information specified on the form to persons seeking information regarding the employee's employment with the City. If the employee requests that the City Manager, Department Head, a supervisor or other employee serve as a reference for the employee, the employee must make the request on the Reference Request Release.



## CITY OF BELLE ISLE

### REFERENCE CHECKING AND AUTHORIZATION FORM DISCLOSURE

Please read the information on this form carefully and completely.

I have applied for employment with the City of Belle Isle, Florida and have provided information about my previous employment. I authorize the City of Belle Isle, Florida to conduct a reference check with my present and/or previous employer(s). I understand that reference information may include, but not be limited to, verbal and written inquiries or information about my employment performance, professional demeanor, rehire potential, dates of employment, salary and employment history.

My signature below authorizes my former or current employers and references to release information regarding my employment record with their organizations and to provide any additional information that may be necessary for my application for employment to the City of Belle Isle, Florida, whether the information is positive or negative. I knowingly and voluntarily release all former and current employers, references, and the City of Belle Isle, Florida from any and all liability arising from their giving or receiving information about my employment history, my academic credentials or qualifications, and my suitability for employment with the City of Belle Isle, Florida.

I further authorize the City of Belle Isle, Florida to obtain feedback and references from my supervisors over the course of my employment with the City of Belle Isle, Florida. I understand that subsequent and continued employment with the City of Belle Isle, Florida may be subject to this feedback.

This form may be photocopied or reproduced as a facsimile, and these copies will be as effective as a release or consent as the original which I sign.

Printed Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Cell Phone: \_\_\_\_\_ Alternate Phone: \_\_\_\_\_

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



## CITY OF BELLE ISLE

### AUTHORIZATION FOR PRIOR EMPLOYER TO RELEASE INFORMATION

(Please read the following statements, sign below and return to the City Manager office.)

I, \_\_\_\_\_, hereby authorize the City of Belle Isle to release any and all information relating to my employment with them to \_\_\_\_\_ (requesting company's name). I further release and hold harmless both the City of Belle Isle and \_\_\_\_\_ (requesting company's name) from any and all liability that may potentially result from the release and/or use of such information. I understand that any information released by my prior employer will be held in strictest confidence, that it will be viewed only by those involved in the hiring decision, and that neither I nor anyone else not so involved will have the right to see the information.

\_\_\_\_\_

Signature of Employee

Date

\_\_\_\_\_

Employee's Name - Printed



## CITY OF BELLE ISLE

### LEAVE DONATION AUTHORIZATION FORM

This form permits the City of Belle Isle to transfer an authorized number of Paid Time Off (PTO) hours I have accrued to (Name of Employee) to receive this benefit.

I understand this will lower the number of PTO hours available to me.

Hours will be donated in the order received by the Finance Department and drawn for use in that same order.

I understand that this donation is irrevocable but that if my donated hours are not needed by the end of the recipient's FMLA/OFLA status, the hours unused will be returned to my PTO bank.

Hours of my Accrual Leave that I wish to donate: \_\_\_\_\_

Printed Employee Name \_\_\_\_\_

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Initials, Date & Time Rcvd by Finance: \_\_\_\_\_



## CITY OF BELLE ISLE, FL

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

### MEMORANDUM

From the Desk of Bob Francis, City Manager

**To:** Mayor and Council  
**Date:** October 16, 2018  
**Re:** Lake Conway Navigation Board Meeting

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**NOTE:** This memo is to provide information only and is NOT an official record of the Lake Conway Navigation Board Meeting. Please refer to the Lake Conway Navigation Board adopted minutes for the official record.

Synopsis of the October 9, 2018 Lake Conway Navigation Board Meeting

1. No Public Comment.
2. Comments from the Chairman: General comment about the lake.
3. EPD Report:
  - a. Cross Lake Beach Update: Tara Urbanik, Secretary to the Board, stated that the public hearing before the BCC on the purchase of Cross Lake property by the City was cancelled because not all neighbors were properly notified, and that the BCC would not reschedule the hearing until EPD knows that the issues with the adjacent property owner were addressed. City Manager Francis stated that he was in contact with the property owner to meet on the issues. Commissioner Lance stated that he wanted the County to put deed restrictions on the land so the City cannot build a dock or boat ramp at the site and to allow the property owner to build a taller fence than normal. Mr. Francis stated that no deed restrictions could be placed by the County because they are a recommending body to the State. He further stated that the BI Municipal Code allows for a taller fence when a property is adjacent to a public park, and that the City had no intention of building a dock or a ramp. Note: The adjacent property owner was in attendance at this meeting but did not speak to the issue.
  - b. Florida Uniform Waterway Marker Update: Ms. Urbanik stated this project will start soon and let the board know that lake residents may see large barges out on the lake while replacing the markers. She said the project will cost about \$91,000.

- c. Stormwater Study Update: Ms. Urbanik stated that the contractor just finished the 2<sup>nd</sup> round of sampling for seepage meters and 3 more samplings are to be done. These measure if any septic tanks may be leaching in the lake. The study should wrap up about December with the data being available about April.
4. Advisory Member Reports: Gary Meloon spoke to the Board about a drainage project that Orange County is doing on Matchett Road near the intersection with Wallace Street. He stated that the City, residents and Orange County Roads and Drainage met to discuss the possibility of hold up the work until a more comprehensive plan could be developed to address all of the stormwater runoff in this area. This is especially crucial if the Orange Avenue Corridor is going to be redeveloped in the future and all of that runoff was to be channeled to the Lake. Water quality is of primary importance to the Board and to the residents of Belle Isle. Discussion continued between board members, Mr. Francis, and Commissioner Pete Clarke on stormwater runoff in the entire area.
5. Marine Patrol Report: OCSO Marine Officer was not in attendance. Ms. Urbanik gave the marine report. She also stated the OCSO Marine Patrol has gone to weekend duty only due to the summer being over. Sergeant Millis, BIPD, stated that BIPD Marine Patrol also has cut down on patrolling during the weekdays.
6. Water Elevation Report: David Woods reported on the lake levels (report attached). You can sign up for Lake Conway reports and important emails at <https://tecengr.yolasite.com/cnb.php>
7. Non-Agenda Items: Belle Isle resident Randy Holihan presented an email to the Board which stated that boats are mooring at the canoe launch in Warren park and they are not to do so and people are being picked up there to be taken to the sandbar. Also, that a paddleboard business is being run out of the park. Commissioner Pete Clarke addressed the Board stating that there is no commercial activity to be done at the canoe launch or mooring at the launch and residents should call OCSO to report them.
8. The meeting adjourned at 7:30 PM.

#### Attachments

- Nav Board Agenda
- Minutes of 9/11/18 Meeting
- Marine Patrol Report (OCSO and BIPD)
- Lake level report

# **LAKE CONWAY WATER AND NAVIGATION CONTROL DISTRICT ADVISORY BOARD REGULAR MEETING AGENDA**

**October 9, 2018 at 6:30 P.M. at the Orange County Facilities Management Training Room**

## **PLEDGE OF ALLEGIANCE**

- I. Call Meeting to Order
- II. Approval of the September Minutes
- III. Public Comment
- IV. Comments of the Chairman
- V. Orange County EPD Report
  - Cross Lake Beach Update
  - Florida Uniform Waterway Marker Update
  - Stormwater Study Update
- VI. Advisory Board Member Report
  - Chairman Ray Vause
  - Vice Chairman Bobby Lance
  - Micky Blackton
  - Gary Meloon
  - Frances Guthrie
- VII. Marine Patrol Report
- VIII. Lake Conway Water Elevation Report
- IX. Non- Agenda Items
- X. Meeting Adjourned

## **WHEN SPEAKING, PLEASE GIVE YOUR NAME AND ADDRESS**

Section 286.0105, Florida Statutes states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose he or 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.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact the Orange County Communications Division at (407) 836-3111.

Para mayor información en español, por favor llame al (407) 836-3111.

**Lake Conway Water and Navigation Control District Advisory Board  
Regular Meeting  
Orange County Facilities Management Training Room  
September 11, 2018**

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**Board Members Present:** Rabon Vause (Chairman), Bobby Lance (Vice-Chairman) and Frances Guthrie

**Board Members Absent:** Micky Blackton and Gary Meloon

**Staff & Guests:** Tara Urbanik, Orange County Environmental Protection Division (EPD); Commissioner Pete Clarke, Orange County Board of County Commissioners (BCC); Corporal Bim Lowers, Orange County Sheriff's Office (OCSO); City Manager Bob Francis, City of Belle Isle; Sergeant Jeremy Millis, Belle Isle Police Department

**Residents:** Billy Sunday, Lori Sunday, Linda Winter, Dan Drummond, Cindy Lance, Alan Horn, Kay Maguire, Jonathon Hastis, David Woods and Ralph Rocheford

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**I. Call to Order**

With a quorum present, Rabon (Ray) Vause called the meeting of the Lake Conway Water and Navigation Control District Advisory Board (Advisory Board) to order at 6:33 p.m.

**II. Approval of the August 14, 2018 Meeting Minutes**

Ms. Guthrie pointed out an incorrect statement in the minutes that Ray Vause and Gary Meloon were absent during one of the motions, when in fact they were present. Ms. Urbanik concurred with the correction. Chairman Vause edited and initialed the minutes to reflect the correct verbiage.

**Upon a motion by Frances Guthrie, seconded by Bobby Lance, and carried with all present members voting AYE by voice vote, with Micky Blackton and Gary Meloon being absent; the Advisory Board approved the edited August 14, 2018 meeting minutes.**

**III. Public Comment on Propositions before the Advisory Board**

Chairman Vause received five requests from residents to speak during the public comment period.

Dan Drummond, a resident of Camelot by the Lake, stated he is not aware with what happened in the past, but he thinks their community's lakeshore has looked terrible in recent years. He believes the residents have been disenchanted with the way they were treated by the Environmental Protection Division (EPD), and as a result, the community's lakefront has been a low priority for the residents. Mr. Drummond thinks their lakefront is not kept up, there is muck around the shoreline, and it needs to get cleaned up. He additionally stated the topic has been presented to the Advisory Board before, and to EPD for a decision. Mr. Drummond encourages the Advisory Board to keep the topic moving forward.

Linda Winter, a resident and representative of the Board of Directors at Camelot by the Lake, shared pictures of the community's lakefront from 1989 and the present day, to show the aesthetic difference between the two time periods.

Ralph Rocheford, a resident of Camelot by the Lake, shared photographs of what the community's lakefront used to look like. He stated their lakefront provides recreation and includes nine mooring locations for the residents. There is a concern with the lakefront vegetation and protruding cypress knees affecting the use of the mooring locations. There is also a concern with amoebas and the amount of muck and other wildlife near the shoreline, and he requested the Advisory Board to help push the topic forward.

Lori Sunday, a resident of Camelot by the Lake, requested EPD to support them to get their community's lakefront beach back.

Bob Francis, City Manager of Belle Isle (City), stated October 2, 2018 is the Public Hearing for the Cross Lake Beach Purchase Request. Additionally, there is a settlement agreement between the City and the Florida Fish and Wildlife Conservation Commission (FWC) to post Restricted Hunting Area signs around Lake Conway, which will require hunters to obtain a special permit from FWC and the City to hunt within the City limits of Lake Conway.

#### **IV. Comments of the Chairman**

Chairman Vause thanked residents for attending the meeting and for providing their comments and concerns to the Advisory Board.

#### **V. Orange County EPD Report**

##### **Clarification of Off-Duty Lake Patrol Schedule**

Ms. Urbanik requested a clarification on the days of weeks and timeframes approved for off-duty patrol. Corporal Lowers stated for the fall schedule, off-duty typically patrols on Saturday and Sunday. Vice Chair Lance requested the City and County continue to coordinate their schedules with each other.

**Upon a motion by Frances Guthrie, seconded by Bobby Lance, and carried with all present members voting AYE by voice vote; with Micky Blackton and Gary Meloon being absent, the Advisory Board approved the City of Belle Isle to invoice for off-duty patrol during Labor Day weekend, 4<sup>th</sup> of July Holiday and Memorial Day weekend, notwithstanding Orange County Sheriff's Office on-duty patrol.**

Corporal Lowers recommended reducing off-duty hours to only the weekends starting the end of September.

##### **Sunshine Law Update**

Ms. Urbanik presented a PowerPoint created by the Orange County Attorney's Office on the public records and Sunshine Law requirements to the Advisory Board.

#### **VI. Marine Patrol Report**

Corporal Lowers presented the off-duty patrol report; a handout was provided. Two minor boating accidents occurred at the Randolph Avenue boat ramp, but neither accident qualified

under the requirement that FWC dictates as a reportable boating accident. Discussion ensued. Corporal Lowers advised that the Orange County Sheriff's Office cannot enforce the City's hunting restriction ordinance.

**VII. Advisory Board Member Report**

- Chairman Ray Vause: Chairman Vause thanked Commissioner Clarke for his service to Orange County and to the Advisory Board. He has attended many of the meetings and has been a true asset to the Advisory Board, and thanked him for supporting the group.
- Vice Chairman Bobby Lance: Vice Chair Lance stated, since his time on the Advisory Board, Commissioner Clarke has attended many more meetings than any other County Commissioner, and he appreciates the support. Commissioner Clarke stated at the September 11, 2018 BCC meeting, water elevations were expressed as a concern by Commissioner VanderLey, and will be reviewed again at the next BCC meeting.
- Frances Guthrie: No comment.

**VIII. Lake Conway Water Elevation Report**

David Woods presented his Water Elevation report. Mr. Woods described the fluctuating lake level on the Conway Chain of Lakes. He mentioned there are a few hurricanes out on the horizon which could impact the water elevation of the Conway Chain of Lakes.

**IX. Non-Agenda Items**

Vice Chair Lance thanked the residents from Camelot by the Lake for attending the meeting and showing that they care.

**X. Meeting Adjourned**

Chairman Vause adjourned the meeting at 7:40 p.m.

\_\_\_\_\_  
Rabon Vause, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Minutes prepared by Tara Urbanik

\_\_\_\_\_  
Date

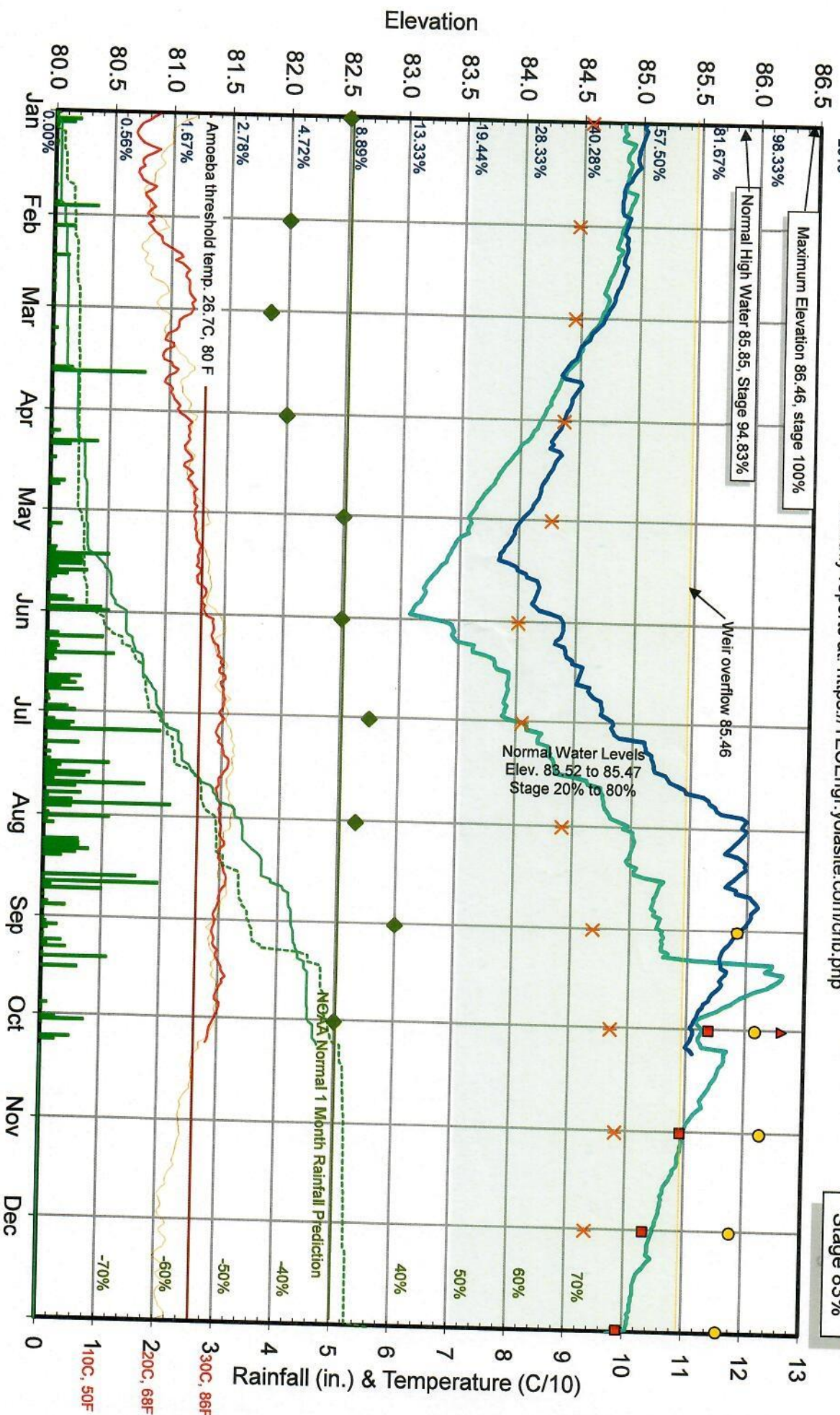


Orange County Sheriff's Office & Belle Isle Police Department

# Lake Conway 2018 Elevations (NAVD 88)

Provided as a public service by TEC Engineering, Inc. Find more and sign up to get these monthly reports at: <https://TECEngn.r.yolasite.com/cnb.php>

9/30/18  
Elev 85.53  
Stage 83%



Lake Conway Water Surface 2018.xlsx

10/8/2018

**Belle Isle Issues Log  
10/16/2018**

<u>Issue</u>	<u>Description</u>	<u>Start Date</u>	<u>POC</u>	<u>Expected Completion Date</u>	<u>Completed Action</u>	<u>Next steps</u>
Cornerstone Charter Academy Stormwater Discharge issue	In November, Orange County made City aware of turbidity issue with storm water discharge from CCA Property to OC Storm pipe. OC may fine City is not corrected.	1/11/2016	CM/CE	Open	Water sampling revealed that there are high levels of nitrogen causing algae blooms. OCEPD reviewing fertilizer put on the field. Harris Engineering to use GPR to find any unrecorded pipes. City will divert water from drainage ditch to Wallace Field.	<b>As of October 4, project could be combined with Orange County Drainage Project on Matchett Road</b>
Gene Polk Park (Delia Beach)	Drainage issue at Gene Polk Park caused erosion problems and makes the park unattractive. At least 3 plans have been developed for the drainage and Council allocated \$180,000 to correct the problem.	4/3/2017	CM/CE	9/30/2019	CM met with neighbors to go over plan. Neighbors will review plan as a group and then present their comments to City.	Delayed to determine FEMA Funds approval.
Street Paving	Council approved project for paving several streets in the City. Middlesex Paving is the contractor	8/12/2017	PW/CM	9/30/2017 Completed for 2017	CM to consider change in the Scope of the Project to look at curb replacement.	<b>Reviewing proposal from Middlesex Paving for certain streets around City Hall. Looking at contractors for curbing for the same project.</b>
Storm Drainage	Several individual projects are being looked at to complete. St. Partens, Nela , Wind Drift, and Seminole/Daetwyler.	4/3/2017	PW/ENG	8/31/2018	Construction plans being developed for St. Partin, Wind Drift, Nela Ave and Daetwyler for next budget year. LCS Project: Miami Curbs installed. Looking at collection vault on lake lot.	<b>LCS Project to start up again. Planning for other drainage projects approved in budget</b>
Traffic Studies	Council allocated funds for traffic study at Trentwood/Daetwyler Rd. Council directed city-wide traffic study to improve traffic flow.	4/3/2017	CM/Eng.	12/31/2018	Trentwood issues completed except for repair of chicane. Focus is on Transportation Master Plan (TMP). Community Meeting on TMP held on June 21, 2018. 20 residents attended. Community Survey was put on line. Consultant created proposed of goals and objectives.	<b>Traffic consultant drafting Transportation Plan. CM, DC met with OCPW to discuss city taking jurisdiction of several roads adjacent to city limits. CM meeting with OC Traffic and business owners on proposed changes on Hoffner at the Conway/Hoffner intersection (10/17/18 at 3:30).</b>
Fountain at Nela/Overlook	Council approved funding to convert the planter at Nela/Overlook to a fountain.	4/3/2017	CM	8/31/2018	G'Werks to do fountain. Centerpiece is here. Should see demo of roundabout soon after Perkins Ramp is complete.	<b>Work to start 1st week in November.</b>

**Belle Isle Issues Log  
10/16/2018**

Standardize Park Signage	Council held a workshop on June 14 to discuss park issues. Standardize signage was one of the issues. Council reviewed proposed signs and directed to move forward.	6/14/2017	CM	9/30/2018	New signs will be made and replace the current signs for parks. Meeting with sign maker on August 1st. New signs in for design	<b>Signs to be completed by end of December</b>
Wallace/Matchett Area	City purchased large area at Wallace/Matchett for open space. Issues with Wallace Street Plat in this area with people trespassing on private property. District 2 Comm. And CM met with residents to discuss solutions. Council met on June 14 and issues was discussed. Council directed that a fence would be erected around property. Dist. 2 Comm. and CM to meet with residents to discuss options for Wallace Street plat. Area is still zoned R-2.	6/14/2017	Dist.2 Comm and CM	9/30/2018	Fence installed. Zoning changed to OS. Agreement for CCA use of the field being reviewed by school. Trees planted as part of Arbor Day Celebration.	<b>Schedule workshop to determine amenities to field. Agreement for use of the field with CCA approved by CCA.</b>
City acquisition of Property	Council discussed possibility of acquiring parcels within the City and directed City staff look at	3/20/2018	CM	8/31/2018	Staff is identifying possible parcels for purchase or other means of acquiring property. <b>Cross lake purchase is on hold until County reschedules PH</b>	<b>Cross Lake Purchase at BOCC Public Hearing on October 2 was cancelled for failing to provide notice to neighbor. 2635 McCoy land donation completed. BOA purchase still being looked at.</b>
Charter School (CCA)	There has been infrastructure issues at Cornerstone for some time. The City owns the property and leases it to CCA. The City is responsible for replacing major systems at CCA according to the lease.	4/3/2017	CM	Ongoing	Capital Facility Plan complete. HVAC equipment to be here in July. CCA considering purchase of property. Roofs are being patched, not replaced at this time. Letter was sent to CCA Board asking for joint meeting and other Board issues.	<b>CCA Board would consider joint meeting with City Council which would determine next steps. Consultant/CCA reviewing City comments on proposed purchase of CCA by CCA Board.</b>
Short Term Rental	Council discussed short term rentals and directed staff prepare paper for April 17 Meeting	3/20/2018	CM	9/18/2018	Staff is preparing information on short term rentals. Council held workshop on June 29 to discuss issues.	<b>Council voted not to have STRs. Enforcement will proceed for illegal STRs. Issue is closed.</b>
Strategic Plan	The City currently has no Strategic Plan. Strategic planning is the process to develop a vision of what the City would like in 10, 15, or 20 years, based on forecasted needs and conditions. It defines goals and objectives to achieve those goals. It is not the same as the Comp Plan.	4/3/2017	Council/C M	Ongoing	Council to decide if it wants a Strategic Plan and then to set up a process for developing the plan. If Council moves forward, an outside consultant should be hired to contact the meetings, gather the information, conduct the surveys and develop the draft plan.	Strategic Planning Session scheduled for October. CM getting estimate and open dates from facilitator

**Belle Isle Issues Log  
10/16/2018**

Bird Sanctuary Designation	The City has an ordinance designating Belle Isle as a Bird Sanctuary; however it is not recognized by the state (FWC). In speaking with the FWC Regional Director, the city has not applied for the designation IAW Florida Statutes. The Council would like to have BI recognized as a bird sanctuary hoping that it will protect many of the birds that call Lake Conway home.	4/3/2017	CM	12/31/2017 <b>Completed 7/3/2018</b>	Application completed per Florida Statutes and sent to FWC for consideration at FWC January Meeting. New ordinance adopted IAW FWC guidelines and FAL 68a-19.002 Second Reading and adoption at August 7 meeting. Signage per agreement is made. Sent to sign maker for estimate of cost.	Signs made. Staff developing distribution plan for signage. <b>Signage was distributed. Enforcement will take place. Issue is closed.</b>
Municipal Code Update	The City Council contracted with a planner to update the municipal code. This process was not completed and needs to be completed. There have been significant code changes in the past few years that need to be in the code.	4/3/2017	CM/CC	Ongoing	Meet with consultant to determine what was done and what is left to do.	<b>Moratorium on lot splits has expired. Report was sent to Council to discuss at future meeting.</b>
Comp Plan Updates	The comp plan is reviewed every 7 years to see if it needs to be updated. The City Council contracted with a planner to update the comprehensive plan. In March, the consultant told the Council that the plan is up to date and no changes are necessary. CM believes that changes are needed. They could be made anytime.	3/1/2017	Council Planner CM	Ongoing	Meet with consultant to determine what was done and what is left to do.	Comp Plan review started by CM. Revisions needed if Annexations occur. Planner assisting in Comp Plan update
Annexation	Council discussed the desire to annex contiguous property in order to build the tax base and possibly provide more commercial development in Belle Isle.	4/3/2017	Council CM	12/31/2017	Council determined the priority to annex.	CM to set up a series of community meetings to discuss annexations with residents (after passage of budget). Next PC Community Meeting schedule (tentative): Late November – Community Meeting; December - Planning & Zoning Board; January – Board of County Commissioners (1st hearing); February - Board of County Commissioners (2nd hearing)
Sustainability	Council discussed sustainability and energy initiatives.	4/3/2017	CM	12/31/2107	Look at LED lighting and Solar power for city facilities. Look at Community Garden (possibly at Wallace/Matchett)	Quotes received for solar on BIPD and possibly City Hall.
Forensic Audit	Council directed a forensic audit be conducted	17-Oct	CM/FD	9/30/2018	Auditor has list of questions for staff to answer. Conducted interviews. Delay in getting informaiton from old system.	<b>Report is due to Council on 10/30. Auditor on 10/30 Council Agenda to present results.</b>

**Belle Isle Issues Log**  
**10/16/2018**

Tree Issues	There have been several issues regarding trees, tree care, and concerns on landscaping requirements to save trees. The City recently created a Tree Advisory Board that will review the standards of tree care	11/21/2017	CM Tree Board	9/18/2018	Tree Advisory Board to review current tree ordinances and processes for tree care, removal and protection. Arbor Day held. Tree ordinance back to Tree Board for further changes.	City received its first Tree City USA designation. <b>Council to discuss ordinance on tree care and preservation (agenda item)</b>
Parking	Council directed review and possible changes to parking ordinance. Focus on parking on grass and in front yards	6/19/2018	CM Code Enf Police	9/30/2018	Staff to review parking ordinances and BIMC.	<b>Changes made to parking Ordinance. Staff discussed changes. For future meeting.</b>