



# city council agenda

**Agenda**  
**April 07, 2020 \* 6:30 PM**  
**City Council Meeting**  
**Virtual Conference**

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

Because of the rapid spread of COVID-19 through US communities, Federal, State, and local mandates are limiting public gatherings. As a result, Local government operations must transform, including changing the way public/legislative meetings are held.

The City Clerk email will be available beginning FRIDAY, APRIL 3rd, at 5 p.m., for members of the public to submit comments. These comments will be received by the City Commissioners and staff and will be read into the official record during the City Council Meeting. If you would like to provide comments prior to the meeting, please send them to [yquiceno@belleislefl.gov](mailto:yquiceno@belleislefl.gov).

If you do not have the ability to submit comments online, beginning at 5 p.m., Tuesday, April 7th, the city will activate the public comment line 407-270-6233. These calls will be answered by city staff and your verbal comments will be entered into the online system on your behalf. Phoned-in comments will be read during the meeting as part of the official record.

All comments will be screened and not be read into the record if they violate our normal City Commission decorum procedures. 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).

## Agenda

1. Call to Order and Confirmation of Quorum
2. Invocation and Pledge to Flag - Commissioner Readey District 5
3. Resolution 20-03
  - a. **RESOLUTION 20-03** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, WAIVING PHYSICAL QUORUM REQUIREMENTS FOR CITY COUNCIL AND OTHER BOARD MEETINGS; ESTABLISHING PROCEDURES FOR PUBLIC MEETINGS CONDUCTED VIA COMMUNICATIONS MEETING TECHNOLOGY (“CMT”); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE (10 minutes)
4. Consent Items
  - a. Approval of City Council Workshop minutes – February 26, 2020
  - b. Approval of City Council minutes – March 18, 2020
  - c. Proclamation declaring April as Water Conservation Month
5. Citizen's Comments
6. Unfinished Business
  - a. **ORDINANCE NO. 20-04 – FIRST READING AND CONSIDERATION** - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA PROVIDING THAT THE BELLE ISLE LAND DEVELOPMENT CODE BE AMENDED BY REVISING CHAPTER 50, ARTICLE II, SECTION 50-36 RELATING TO IMPROVEMENTS CONCERNING THE SPECIFICATIONS TO BE USED FOR CONCRETE SURFACES; AMENDING CHAPTER 50, ARTICLE III TO CREATE A NEW SECTION 50-77 PROVIDING FOR THE PRIVATE **INSTALLATION OF PAVER SIDEWALKS AND DRIVEWAYS IN RESIDENTIAL AREAS** UNDER CERTAIN CONDITIONS; ESTABLISHING CRITERIA FOR CONSTRUCTION AND MAINTENANCE OF PAVER SIDEWALKS AND DRIVEWAYS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE (10 minutes)

“If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.” (F. S. 286.0105). “Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk’s Office (407-851-7730) at least 48 hours in advance of the meeting.” –Page 1 of 34

7. New Business

- a. **ORDINANCE 20-03– FIRST READING AND CONSIDERATION** - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, ELECTING TO IMPLEMENT THE USE OF **TRAFFIC INFRACTION DETECTORS** WITHIN THE CITY LIMITS OF BELLE ISLE, FLORIDA AS AUTHORIZED BY SECTION 316.008(8)(a), FLORIDA STATUTES; AUTHORIZING THE POLICE CHIEF TO IMPLEMENT THE PROVISIONS OF FLORIDA LAW RELATING TO THE USE OF TRAFFIC INFRACTION DETECTORS WITHIN THE CITY LIMITS OF BELLE ISLE FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. (15 minutes)

8. Attorney's Report (5 minutes)

9. City Manager's Report

- a. Issues Log - Oral Report (10 minutes)
- b. Chief's Report

10. Mayor's Report (10 minutes)

11. Council Reports (20 minutes)

12. Adjournment



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

**Meeting Date:** April 7, 2020

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

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

**Subject:** Resolution 20-03, Meetings via Communications Meeting Technology (CMT)

**Background:** As a result of the States of Emergency imposed by the Governor and Mayors of Orange County and Belle Isle, and in accordance the Governor’s Executive Order No. 20-69, suspending any Florida Statute that requires a quorum to be present in person or requires a local government body to meet at a specific public place and authorizing the use of telecommunications media technology such as telephonic and video conferencing, as provided in § 120.54(5)(b)2., Florida Statutes; and in an effort to curb the spread of COVID-19 and avoid jeopardizing the safety of the public, its boards and City Council, and City staff, the City Council will conduct its meetings remotely via Communications Media Technology (“CMT”) as permitted pursuant to the Governor’s Executive Order No. 20-69 and must establish rules pertaining to the conduct of such meetings. The procedure and rules are outlined in Resolution 20-03

**Staff Recommendation:** Adopt Resolution 20-03.

**Suggested Motion:** I move that we adopt Resolution 20-03 providing for procedures and rules for conducting meetings via CMT until further directed.

**Alternatives:** Do not hold meetings at all or via CMT procedures.

**Fiscal Impact:** TBD based on cost to subscribe to CMT vendors (Reimbursable by FEMA).

**Attachments:** Resolution 20-03

**RESOLUTION 20-03**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, WAIVING PHYSICAL QUORUM REQUIREMENTS FOR CITY COUNCIL AND OTHER BOARD MEETINGS; ESTABLISHING PROCEDURES FOR PUBLIC MEETINGS CONDUCTED VIA COMMUNICATIONS MEETING TECHNOLOGY (“CMT”); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS** a respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting many countries, including the United States; and

**WHEREAS** the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue and disposal of the tissue immediately thereafter, washing hands often with soap and water for at least 20 seconds, use of alcohol-based hand sanitizers with 60% - 95% alcohol if soap and water are not readily available and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and

**WHEREAS** the CDC currently recommends mitigation measures for communities experiencing an outbreak including staying at home when sick, keeping away from others who are sick, limiting face-to-face contact with others as much as possible, consulting with your healthcare provider if individuals or members of a household are at high risk for COVID-19 complications, wearing a facemask if advised to do so by a healthcare provider or by a public health official, staying home when a household member is sick with respiratory disease symptoms if instructed to do so by public health officials or a health care provider; and

**WHEREAS** on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID- 19 across the country; and

**WHEREAS** on March 1, 2020, Governor Ron DeSantis issued Executive Order No. 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

**WHEREAS** on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

**WHEREAS** on March 9, 2020, Governor Ron DeSantis issued Executive Order No. 20-52 declaring a state of emergency within the State of Florida in response to the COVID-19 Public Health Emergency and authorizing local governments to waive the procedures and formalities otherwise required of them by law as they pertain to (i) performance of public

work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community; (ii) entering into contracts; (iii) incurring obligations; (iv) employing permanent and temporary workers; (v) utilizing volunteer workers; (vi) renting equipment; (vii) acquiring and distributing, with or without compensation, of supplies, materials, and facilities; and (viii) appropriation and expenditure of public funds.

**WHEREAS**, on March 18, 2020, the City Council adopted Emergency Ordinance No. 20-02 declaring a local state of emergency concerning COVID-19; and

**WHEREAS**, on March 20, 2020, Governor Ron DeSantis issued Executive Order No. 20-69, suspending any Florida Statute that requires a quorum to be present in person or requires a local government body to meet at a specific public place and authorizing the use of telecommunications media technology such as telephonic and video conferencing, as provided in § 120.54(5)(b)2., Florida Statutes; and

**WHEREAS** experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

**WHEREAS** it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in the City of Belle Isle, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

**WHEREAS** the City must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

**WHEREAS** City is granted the authority under § 2(b), Art. VIII of the Florida Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS** the City desires to cooperate with the aforementioned recommendations of the CDC and directives of the Governor's office while continuing to conduct its business, including public meetings of its City Council; and

**WHEREAS** to curb the spread of COVID-19 and avoid jeopardizing the safety of the public, its boards and City Council, and City staff, the City desires to conduct its meetings remotely via Communications Media Technology ("CMT") as permitted pursuant to the Governor's Executive Order No. 20-69 and must establish rules pertaining to the conduct of such meetings; and

**WHEREAS** this Resolution is authorized by Executive Orders Nos. 20-52 and 20-69; § 252.38, Florida Statutes; Emergency Ordinance No. 20-02 and any other applicable provisions of law; and

**WHEREAS** the City finds that this Resolution is in the interests of the public health, safety, and welfare.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE AS FOLLOWS:**

**SECTION 1.** Recitals. The above recitals are true and accurate and are incorporated herein.

**SECTION 2.** Waiver of Procedures and Formalities. The City Council of Belle Isle hereby acknowledges the statewide declaration of emergency issued by Governor DeSantis and opts to waive the procedures and formalities required of it by law as authorized by Executive Order No. 20-52, including those parts of the City’s Charter (e.g., §3.08(C)) that require a majority of the City Council or any other boards of the City to be physically present to constitute a quorum. The City Council further finds that due to the statewide declared state of emergency pursuant to Executive Order No. 20-52 and suspension of physical quorum requirements under Executive Order No. 20-69, participation in public meetings conducted via Communications Media Technology (“CMT”) during this state of emergency will not be subject to or otherwise count against the 4 meeting per twelve (12) month limitation established for City Council members as stated in the City Charter (i.e., § 3.07 B(3) of the Charter). The City Council also opts to waive those procedures and formalities required of it by law with regard to those purchasing matters outlined in § 252.38(3)(a)5., Florida Statutes, for the purposes of testing and acquiring whatever CMT resources the City Manager deems appropriate and sufficient for the successful conduct of public meetings via CMT. These waivers are retroactive to the effective date of Executive Orders Nos. 20-52 and 20-69 and will continue in effect throughout the duration of the Governor’s declared statewide state of emergency and the effective dates of Executive Orders Nos. 20-52 and 20-69 as such may expire, be extended, or otherwise terminated by the Governor.

**SECTION 3.** Public Meetings via CMT. During this declared state of emergency by the Governor and in the interest of minimizing exposure to COVID-19, the City Council, pursuant to the authority provided by the Governor’s Executive Orders No. 20-52 and 20-69, and §252.38, Florida Statutes, the City Council hereby resolves to allow itself and its various boards and bodies to meet via communications media technology (“CMT”), as permitted pursuant to § 120.54(5)(b)2., Florida Statutes, and § 2 of the Governor’s Executive Order No. 20-69. This Resolution establishes the procedures that will be followed by the City in conducting such meetings with CMT. Except for the City Council meetings, the determination of whether City boards and committees should meet (even with use of CMT) during the declared emergency will be within the City Manager’s discretion unless otherwise directed by the City Council.

**SECTION 4.** Procedures. The following procedures are recommended for the conduct of meetings and may be adjusted from time to time as technical or practical issues or problems are encountered.

A. *Notice.* Notice of public meetings via CMT must be provided in the same manner as required for the City's non-CMT meetings.

B. *Platform and Technology.* The City Manager is authorized to select whatever information technology resources, including software and hardware, he/she deems necessary for implementation of public CMT meetings and may authorize trials of available resources to determine what technologies best serve the City in the conduct of public meetings via CMT. The City Manager shall endeavor to implement those technologies so as to best keep the meeting open to the public without requiring Commissioners, board members, City staff, or the public to be physically present at the meeting and otherwise be potentially exposed to or allowed to transmit COVID-19.

C. *Conduct of the Meeting.* Participating officials and employees should all be registered as panelist speakers, where each is provided his/her own unique PIN or login when dialing or signing in so that speakers may be tracked. Whomever is presiding over the CMT meeting should, at the beginning of such meeting, inform the public as to what to expect during the meeting and the method by which members of the public may participate and submit their comments and concerns to the Council or board. To prevent crosstalk, the presiding officer will be responsible for recognizing speakers in turn, and staff will provide technical assistance in muting or unmuting any given speaker.

D. *Identification of Speakers and Topics.* Each speaker, prior to speaking or providing comment, should identify himself/herself with the understanding that persons virtually attending the meeting may not have video access and may not recognize the speaker by voice alone. Furthermore, to the extent feasible, staff should use the visual aspect of the meeting to display the topic that is currently being discussed for the benefit of all who may be watching or participating in the meeting.

E. *Public Participation Procedures.*

(1) City staff shall make available a public comment form on the City's website during live meetings for members of the public to submit comments. Comments submitted during the meeting will be read into the official record during the meeting.

(2) Comments provided prior to the meeting should be sent to the City Clerk at [yquiceno@belleislefl.gov](mailto:yquiceno@belleislefl.gov). Consistent with the City's normal procedures for emails received prior to a City Council meeting, the City Commissioners and staff will read these comments but such comments will not be read publicly into the records during the meeting.

(3) For members of the public who do not have the ability to submit comments online, City staff will activate the public comment line at (407) 851-7730. The public comment line will be available only during live meetings. City staff will answer the calls and enter your verbal comments into the online system on your behalf. Such comments will be read during the meeting as part of the official record.

(4) All comments will be screened and not be read into the record if they violate City Council or board decorum policies.

F. *General Guidelines.* The rules established herein are intended to provide a general framework for the conduct of public CMT meetings as authorized pursuant to the Governor’s Executive Orders Nos. 20-52 and 20-69. The City Manager, or City Manager’s designee, is authorized to make changes to these procedures as may be necessary to overcome technical difficulties or practical challenges in implementing public meetings via CMT, so long as such changes comport with Executive Order No. 20-69 and § 120.54(5)(b)2., Florida Statutes.

**SECTION 5. Duration.** This Resolution shall continue throughout the declared state of emergency and the effective dates of Executive Orders Nos. 20-52 and 20-69 as such may expire, be extended, or otherwise be terminated by the Governor.

**SECTION 6. Severability.** If any portion of this resolution is finally determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable or void, the balance of the resolution will continue in full force and effect.

**SECTION 7. Effective Date.** This Resolution will become effective immediately and no longer be in effect after the conclusion of the Governor’s declared statewide emergency and the expiration of Executive Orders Nos. 20-52 and 20-69, subject to any extensions or early terminations thereof as may be ordered by the Governor of the State of Florida.

**READ AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**CITY OF BELLE ISLE, FLORIDA**

**ATTEST:**

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

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





# city council minutes

a.

## MINUTES CC Workshop February 26, 2020

The Belle Isle City Council met in a Regular Session on February 26, 2020, at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

- Mayor Nicholas Fouraker
- Commissioner Ed Gold
- Commissioner Anthony Carugno
- Commissioner Karl Shuck
- Commissioner Mike Sims
- Commissioner Harv Readey
- Commissioner Jim Partin
- Commissioner Sue Nielsen

Absent was:

n/a

Also present were Attorney Langley, City Manager Francis, Chief Houston, and City Clerk Yolanda Quiceno.

Vice Mayor Readey stated that Mayor Fouraker is en route from another meeting and will join us shortly.

### CALL TO ORDER

Vice Mayor Readey called the meeting to order at 6:30 pm.

Comm Nielsen led the invocation and pledge to the flag.

Vice Mayor Readey opened for citizen comments

Dina Goodenow residing at 6416 Gibson Drive said she is in support of Cornerstone Charter Academy (CCA) and that it continues to thrive. Moving forward she would like to see the City,

- Establish a healthier relationship with the school, Council and the residents
- Term limits for Board Members
- Mayor and Council should have a vote on the Board
- Not allow any further By-law changes unless approved jointly by the City and CCA
- Encourage more Belle Isle families to enroll their children and revise the waiting list criteria

### REFINANCING CONERSTONE DEBT DISCUSSION

#### CCA Refunding & Cornerstone Master Plan 2.0

City Manager Francis as a result of the Council Workshop on February 4, 2020, the following three core issues were discussed,

#### 1 CCA Board Composition

- Term Limits
- City has three votes (elected/non-elected – all can compete)
- Board Representation
  - Members come from areas based on student population
- Board members are elected
  - Could be problematic
  - Who votes?
  - Who sets up the election? When?
  - Who qualifies candidates?
  - Could conflict w/Belle Isle Charter (cannot hold two elected offices)

#### Site Plan

- City representatives (2) at Master Plan Sessions
- City representatives to review construction expenses
- Wallace Field not included in negotiations
- CCA Board stated BOA property is not conducive to CCA use or expansion. They would improve other buildings or space on the property for additional space.
- Where does the Lancaster House fit in?
- Should CCA own property?
- Consider a market-rate rent structure.

#### Facility Monitoring

- City/CCA to do periodic inspections
- City hires engineering firm or agreement w/OCPS facility maintenance (3-5 year contract)
- CCA to provide regular reports to City on Capital projects and preventive maintenance

#### Other

- Revise the waiting list criteria that a prospective student lives in Belle Isle; they go the top of the list
- Ask CCA, OCPS, or independent marketing firms to survey with a focus on Why Belle Isle's parents do not send their children to CCA and how the school administration, Board, and faculty are doing.

City Manager Francis provided a PowerPoint presentation and open discussion to compile a list of conditions for the CCA refinancing agreement and then ask for a joint agreement in a public forum.

Council discussed if CCA can sell the school and/or property to Academica.

- David Moore, Public Risk Management, said the sale of the school is not allowed without the consent of the City. He stated if there were a problem with CCA defaulting of the bond, the City would like to ensure that they have the first right to step in and take-over, or running the school and obtain another entity to replace CCA.
- Attorney Langley said as the contract is currently written, the City owns the property, and CCA (tenant) does not have the authority to sell the City's property. Attorney Langley said City land/property could not be pledged or leaned by State Law.

**After discussion, Council direction was as follows,**

#### **Board Composition**

1. **Two consecutive appointed term limits for Board members and the Chair. Start the staggering of members after 1-year of passing motion;**
2. **Board consists of three members from the City which can include an elected official from Belle Isle; can be set by Resolution or Charter change;**
3. **Offer suggestions to CCA to allow a member from the public for the remaining six members**

#### **Site Plan**

1. **Appoint two City representatives for master planning, oversight or procurement committee of property build-out**
2. **Revisit discussion on the Lancaster House after the meeting on March 17**
3. **Consider a market rent rate structure**

#### **Facility Monitoring**

1. **Require CCA to provide maintenance reports quarterly**
2. **CCA should give a synopsis on what they are using as revenue sources**

#### **Other**

1. **By-Law changes that affect the City should not be amended without City Council approval.**
2. **The City should have authority/approval over some of the improvements made on the property**
3. **Recommend to the CCA Board to initiate an independent survey focusing on why Belle Isle's parents do not send their children to CCA and how the school administration, Board, and faculty are doing?**
4. **Require a public procurement process that would require selection of architects, engineers, and contractors through a competitive process**
5. **Require a single-audit from CCA on the Bond expenditures and procurement process**

Mayor Fouraker joined the meeting.

Mayor Fouraker said there had been comments made that now would be the time to have outside Council investigate the changing of the By-Laws and scrutinize the process put in place at that time by Attorney Kruppenbacher. Attorney Langley said another approach to consider would be to insist on an agreement or new provisions that will say that the By-Laws cannot be changed without Council approval. For the record, Mayor Fouraker said he was not noticed or consulted on the decision that CCA will not use the BOA building. Discussion ensued.

Mayor Fouraker spoke on the Bond Refunding, which will provide a clear and decisive distinction between a tenant and a landlord relationship. He further spoke on revisiting an equitable, fair market practice.

Council consensus was to move forward the terms discussed and formalize in a clear and concise letter to present to CCA for a joint meeting. The City Attorney will create a formal document regarding the By-laws discussion.

#### **ADJOURNMENT**

There being no further business, Mayor Fouraker called for a motion to adjourn. The motion was passed unanimously at 8:30 p.m.

Yolanda Quiceno, CMC, City Clerk



# city council minutes

## MINUTES CC Regular Session and Workshop March 18th, 2020 CC Regular Session 6:30 pm

The Belle Isle City Council met in a Regular Session on ~~February~~ March 18th, 2020, at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

- Mayor Nicholas Fouraker
- Commissioner Ed Gold
- Commissioner Anthony Carugno
- Commissioner Mike Sims
- Commissioner Karl Shuck
- Commissioner Harv Readey
- Commissioner Jim Partin
- Commissioner Sue Nielsen

Absent was:

Also present were Attorney Langley, City Manager Francis, Deputy Chief ~~Houston~~ Grimm, and City Clerk Yolanda Quiceno.

### CALL TO ORDER

Mayor Fouraker called the meeting to order at 6:30 pm.  
Comm Shuck led the invocation and pledge to the flag.

Mayor Fouraker and Council congratulated Comm Nielsen on winning the ~~reappointment to District 7~~ election to continue to represent District 7. Ed Gold was unopposed and automatically reappointed.

### CONSENT ITEMS

Mayor Fouraker called for a motion to approve Consent items,

- a) Approval of City Council minutes – February 18th, 2020
- b) February 2020 Monthly Reports: Finance, Code Enforcement, Fire and PD

**Comm Nielsen motioned to approve consent items as presented.  
Comm Sims seconded the motion, which passed unanimously 7:0.**

### CITIZEN COMMENTS

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

### UNFINISHED BUSINESS

#### Discussion/Review issues with Lancaster House

City Manager Francis clarified a statement he made previously regarding the Lancaster House losing its historical significance if it ~~did not stay~~ at its ~~original~~ current location. That statement was based on the assumption that the Pine Castle Historical Society (PCHS) ~~intended proposal~~ to renovate the building and leave it at its current location. They were also going to speak with the Cornerstone Charter Academy School Board (CCA) and ~~asked~~ if the house was renovated will they use it again. He found, after speaking with CCA, that was not done. As it turns out, CCA is not interested in occupying the house and said they would assist with some of the funding to have ~~it the home~~ moved.

After further research, Mr. Francis said losing the historical significance may not be the case. He called the State Historic Preservation Office (SHPO) and they said in most circumstances if a home is moved, it will not be considered, only under certain circumstances. He reported that SHPO said if an application is not submitted, a determination cannot be made. He explained the findings to PCHS, ~~but~~ and an application has not been submitted to date. ~~He provided criteria consideration for the record provided by SHPO.~~

Mr. Francis said he had had some discussion with Mr. Waber from the Pine Castle Urban Preservation District, who believed there are other variables to be considered to determine eligibility, and he eligible and provided documents for the record. After discussion, Mr. Francis recommended the following for consideration,

1. Require PCHS to submit the SHPO application by April 30<sup>th</sup>;
2. Develop a plan for moving the Lancaster House, cost, source of funds, project leader and moving date;
3. Provide the application and moving plans to the City by May 12th, 2020;
4. Provide a funding plan for the rehabilitation by June 1st, 2020;
5. Stipulate PCHS cannot transfer, sell, or deed the Lancaster House.

Mr. Mark Line residing at 548 S Hyer Avenue, Orlando, FL 32801 representing the Orange Preservation Trust, said the Trust advocates for the renovation of historical buildings and cultural heritage of communities. He strongly believes the Lancaster House has historical value and may be open for grants and should be restored. He said having CCA lease the property has not been very helpful for the City in preserving the historical buildings on this property. Mr. Line asked for any consideration to have the Lancaster House remain at its location, and to work closely with the school to save the Lancaster House would be much appreciated. Discussion ensued on grant opportunities and the current challenges with the PCHS Board.

Mayor Fouraker said CCA has a current lease until 2040, and the Lancaster house has no practical use for the school and its students. He shared his concern with the delay of the move of the Lancaster house and the existing security and safety challenges with having this structure in its current condition on City/school property. He further shared his concern with the process and the time given to the Historical Society.

Council discussed the safety and health hazards of due to the current condition of the Lancaster House.

**After discussion, Comm Carugno moved to approve the City Manager's recommendation and request PCHS to submit a funding and moving plan no later than June 1st, 2020.**

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

**Comm Gold said he would like Council to allow another organization to move the Lancaster House.**

**Comm Partin said he would like Council to include an exact date to move the Lancaster House.**

**The motion failed 3:4 with Comm Partin, Comm Gold, Comm Readey, and Comm Shuck, nay.**

**Comm Partin motioned to reconsider Comm Carugno's motion ~~to~~ but include a hard date for plans to move ~~of~~ the Lancaster House to be completed no later than July 1st, 2020.**

**Comm Sims seconded the motion which passed 5:2 with Comm Gold and Comm Readey, nay.**

#### Approval of Red Light Camera Bid

City Manager Francis presented the Traffic Camera Safety System bids submitted as follows,

1. NovoaGlobal - \$3,500/month per system
2. Sensys Gatso Group - \$3,250/month per system
3. Verra Mobility - \$3,500/month per system

The City staff reviewed the proposals, and they are all good companies. The advantages of NovoaGlobal are that they are headquartered in Orlando and stated in their bid that they do not have any current litigation pending. The contract is a turnkey operation and can be terminated, with no penalty at any time if the City is losing income. Staff is recommending NovoaGlobal and will need to hire a part-time person to review the data. The part-time person cost is included in the budgeted amount.

**Comm Sims moved to accept the bid of NovoaGlobal for the traffic camera system for \$3,500 per month per system and authorize the City Manager to execute the contract.**

**Council consensus was to have the City Manager execute the contract after final review by the City Attorney. The City Manager said the cameras will be placed on Hansel at Fairlane, and Oakridge.**

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

### Discuss draft ordinance for the use of pavers

City Manager Francis presented a draft Ordinance of Use of Pavers for Sidewalks. At the February 16<sup>th</sup> City Council meeting, the Council heard testimony from several residents about the advantages of pavers and request Council review of the current code. The ordinance has been revised to include the following:

- Sets specifications for concrete sidewalks;
- Allows the use of pavers on a case-by-case basis;
- Makes property owners who install pavers responsible for maintenance;
- Sets specifications for pavers and installation of pavers;
- Grandfather existing pavers, but when repaved or removed, must comply with these code changes.

Mr. Francis noted that the revisions remove the language from the Subdivision Section of the Code and place it in its section in the code. He asked for approval of First Reading at the April 21<sup>th</sup> City Council meeting.

**Comm Sims moved to approve the staff recommendations and read the proposed ordinance for the first time on April 21st, 2020, City Council meeting.**

**Comm Readey seconded the motion, which passed 6:1 with Comm Carugno, nay.**

### NEW BUSINESS

**ORDINANCE 20-02** - AN EMERGENCY ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA DECLARING A STATE OF EMERGENCY WITHIN THE CITY OF BELLE ISLE IN ACCORDANCE WITH THE DECLARATION OF EMERGENCY BY THE GOVERNOR; ADOPTING EMERGENCY REGULATIONS TO ADDRESS PREPARATION FOR AND MITIGATION OF COVID-19; PROVIDING FOR SEVERABILITY, NON-CODIFICATION, AND AN EFFECTIVE DATE.

**Comm Sims motioned to approve Ordinance 20-02 as presented**

**Comm Carugno seconded the motion, which passed unanimously upon roll call.**

### Approval of BING Grant for LC Estates for ~~ramp-dock~~ repair

Comm Nielsen presented the Lake Conway Estate request of \$5,000 in BING funding to rebuild the boat dock that is in disrepair. The total of the repair is \$20,000 and asked Comm Gold if he will agree to submit his Districts allotted amount of \$5,000 for a combined total of \$10,000. Comm Gold agreed to the request.

**Comm Nielsen moved to approve the BING Grant for Lake Conway Estates to restore the boat dock.**

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

### Demolish Single Family Residence at 1604 Swann Avenue

City Manager Francis gave an overview of the cited property ~~and public nuisance~~ at 1604 Swann. With the condition of the house and property, the City has consulted with the City Attorney and determined the home a public health and safety issue. The City has a quote to demolish the house. The City Manager said he would work with the parties that have ~~invested-expressed~~ interest in the property if it is foreclosed and see what can be done for the City to recoup its costs, including having the property turned over to the City.

**Comm Sims moved to declare the property located at 1604 Swann Avenue to be a public nuisance and public health and safety hazard and further direct the City Manager to remedy the condition. I further move that we accept the proposal of Cathcart Construction Company to demolish the residence located at 16704 Swann Avenue for \$33,845.00 and direct that this amount be placed as a lien on the property.**

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

**ATTORNEY REPORT** – Attorney Langley said many jurisdictions have asked if the Governor has addressed how the City should conduct public meetings moving forward. He has not received any information to date but will keep everyone posted.

### CITY MANAGER REPORT

City Manager Francis reported on the following Issues Log update,

- Gene Polk Park – Near completion and on budget.
- Street paving – Will present a projected new budget on the street paving without the franchise fees.
- Derine/Chiswick~~h~~ projects ~~are-is~~ completed.
- St. Partin – Research an easement possibility.
- Transportation Plan – MetroPlan completed data collection and may present it to Council on May 5<sup>th</sup>.

- Wallace Field – CCA approved the Use Agreement ~~Purchase of Property for Wallace Park~~. A memo was forwarded to CCA Board to schedule a Joint meeting.
  - o BOA Contract – Reviewing the contract ~~of~~. We will discuss ATM concerns.
  - o Cross Lake Purchase – Wired initial funds to the State to start the process of the contract. Once executed by the State, the remainder of the funds will be forwarded.
- Strategic Plan – Discussion on April 7<sup>th</sup> if approved adoption scheduled for April 21<sup>st</sup>.
- Speed Trailer Data – Provided data from the Speed Trailer located on Hoffner. This report will be provided monthly with other reports.

#### Chief's Report

Deputy Chief Grimm reported on the following,

- PD working closely with the State and other Agencies on the COVID-19.

#### Appointment of Special Events Committee members Maggie Burette and Craig Huff

City Manager Francis presented two applications for the Special Events Committee Board for consideration from Maggie Burdette and Craig Huff.

Comm Readey moved to appoint Maggie Burdett and Craig Huff to the Special Events Committee.

Comm Gold seconded the motion, which passed 7:0.

#### Spring Fling – Save the Date Flyer

Chairman Bobrowski said some of the State vendors have canceled due to the current events with the Coronavirus. She recommended postponing the event to the Fall. Council consensus was ~~to~~ cancel the Spring Fling and the Easter Egg Hunt.

#### **MAYOR'S REPORT**

Mayor Fouraker said the City would continue to be vigilant on the Federal/State updates on the Coronavirus.

#### **COUNCIL REPORT**

##### **Comm Carugno**

- Comm Carugno asked for an update on Annexation. City Manager Francis said the City Planner is working on some reports for review.
- Comm Carugno further urges residents to continue contacting the Airport Noise Aviation Committee on any questions on airport noise.

##### **Comm Gold**

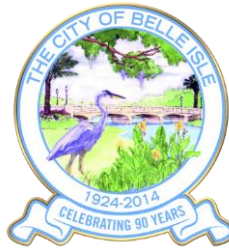
- Comm Gold asked if the Council would like to add a reconsideration of waiving veteran fees on the next agenda. Council consensus was to not ~~open additional discussion~~ reconsider.

#### **ADJOURNMENT**

There being no further business, Mayor Fouraker called for a motion to adjourn. The motion was passed unanimously at 8:45 p.m.

Yolanda Quiceno, CMC, City Clerk

# CITY OF BELLE ISLE



## Proclamation

### Declaring April 2020 as Water Conservation Month

**WHEREAS**, water is a basic and essential need of every living creature; and

**WHEREAS**, The State of Florida, Water Management Districts and the City of Belle Isle are working together to increase awareness about the importance of water conservation; and

**WHEREAS**, the City of Belle Isle, FL and the State of Florida has designated April, typically a dry month when water demands are most acute, Florida’s Water Conservation Month, to educate citizens about how they can help save Florida’s precious water resources; and

**WHEREAS**, the City of Belle Isle has always encouraged and supported water conservation, through various educational programs and special events; and

**WHEREAS**, every business, industry, school and citizen can make a difference when it comes to conserving water; and

**WHEREAS**, every business, industry, school and citizen can help by saving water and thus promote a healthy economy and community; and

**NOW, THEREFORE**, be it resolved that by virtue of the authority vested in me, Nicholas Fouraker, Mayor, of the City of Belle Isle do hereby proclaim the month of April as

### Water Conservation Month

The City of Belle Isle, Florida is calling upon each citizen and business to help protect our precious resource by practicing water saving measures and becoming more aware of the need to save water.

Attest \_\_\_\_\_

Yolanda Quiceno, City Clerk

\_\_\_\_\_

Mayor Nicholas Fouraker





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

**Meeting Date:** April 7, 2020

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

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

**Subject:** Use of Pavers for sidewalks

**Background:** At the February 18<sup>th</sup> meeting, the City Council heard testimony from several residents about the advantages of pavers and requested the Council review the current code provisions and make exceptions to the code to allow pavers to be used for sidewalks, or driveway extensions across sidewalks. The Council directed staff to work on a change that would allow the use of pavers as an acceptable material for sidewalks.

The staff drafted an ordinance that the Council approved for a first reading. Ordinance 20-04:

- a. Sets specifications for concrete sidewalks
- b. Allows the use of pavers on a case-by-case basis
- c. Makes property owners who install pavers responsible for maintenance
- d. Sets specifications for pavers and installation of pavers
- e. Grandfathers existing pavers but when replaced or removed, must comply with these code changes.

**Staff Recommendation:** Read for the 2<sup>nd</sup> time Ordinance 20-04 at the April 21 Council Meeting.

**Suggested Motion:** I move we read the proposed ordinance for the 2nd at the April 21, 2020 Council Meeting.

**Alternatives:** Do not approve the changes and provide further direction to the staff.

**Fiscal Impact:** TBD

**Attachments:** Ordinance 20-04

**ORDINANCE NO. 20-04**

**AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA PROVIDING THAT THE BELLE ISLE LAND DEVELOPMENT CODE BE AMENDED BY REVISING CHAPTER 50, ARTICLE II, SECTION 50-36 RELATING TO IMPROVEMENTS CONCERNING THE SPECIFICATIONS TO BE USED FOR CONCRETE SURFACES; AMENDING CHAPTER 50, ARTICLE III TO CREATE A NEW SECTION 50-77 PROVIDING FOR THE PRIVATE INSTALLATION OF PAVER SIDEWALKS AND DRIVEWAYS IN RESIDENTIAL AREAS UNDER CERTAIN CONDITIONS; ESTABLISHING CRITERIA FOR CONSTRUCTION AND MAINTENANCE OF PAVER SIDEWALKS AND DRIVEWAYS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Belle Isle (“City”) has authority pursuant to Chapters 163 and 166, Florida Statutes, to make and enforce its land development code and enact land use and planning regulations; and

**WHEREAS**, the City’s Land Development Code, Section 50-36, generally relates to improvements and specifically describes the development standards for driveways and sidewalks; and

**WHEREAS**, the City’s Land Development Code currently does not allow for paver sidewalks or driveways; and

**WHEREAS**, notwithstanding the non-allowance of pavers for sidewalks or driveways, City residents have installed pavers within the public rights-of-way; and

**WHEREAS**, the City Council has determined that paver sidewalks and driveways can be a beneficial aesthetic feature in a neighborhood, may increase property values, and are otherwise desirable by property owners; and

**WHEREAS**, the property owners are responsible for residential minimum maintenance according to Chapter 10, Article V, of the Belle Isle Municipal Code, which includes maintenance of sidewalks and driveways; and

**WHEREAS**, the failure to properly construct or maintain paver sidewalks across and/or through driveways within the right-of-way increases liability for which homeowners should be responsible; and

**WHEREAS**, maintenance obligations and a private right of action is hereby created against property owners who install or previously installed paver driveways, which includes but is not limited to sidewalks; and

**WHEREAS**, the City Council has determined that the Land Development Code be

amended to expressly allow for paver sidewalks and driveways in the public rights-of-way; and

**WHEREAS**, in accordance with section 163.3174, Florida Statutes, the City’s planning and zoning board functioning as the local planning agency has reviewed and recommended approval of this Ordinance prior to its passage by the City Council.

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Belle Isle, Florida that:

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. AMENDMENT OF LAND DEVELOPMENT CODE. Chapter 50, Article II, Section 50-36(4) of the City of Belle Isle Land Development Code is hereby amended to reflect the following changes (~~struckout text~~ indicates deletions; underlined text indicates additions; and non-referenced provisions shall remain unchanged):

**Sec. 50-36. Improvements**

\* \* \*

(4) ~~Sidewalks and block crosswalks.~~ All subdivisions areas of the City shall have four-foot concrete sidewalks on both sides of all streets except streets projected to carry in excess of an ADT equal to 3,500 vehicle per day (vpd) which shall have five-foot concrete sidewalks. Prior to the issuance of a certificate of occupancy for a structure upon a parcel or lot, a public sidewalk shall be constructed at the expense of the property owner along all street right-of-way frontage of such parcel or lot in a manner required by code. All public sidewalks shall be located constructed within the street public right-of-way or a public sidewalk easement. Concrete sidewalks shall be a minimum of four inches in thickness, except at driveways where the required thickness is six inches and will be a minimum of 3,500 psi reinforced concrete. Sidewalks shall be designed to include handicapped ramps at all intersections. On a case-by-case basis, upon approval from the city engineer and city manager or the city manager's designee, a developer may make a voluntary contribution to a sidewalk fund to pay for construction of sidewalks in lieu of actual construction of sidewalks. The amount of the contribution shall be on a per foot basis, as may be approved from time to time by the city engineer and the city manager or the city manager's designee. On a lot by lot (or parcel by parcel) basis, the city may approve the use of pavers for sidewalks, driveways, and driveway aprons within the right-of-way or sidewalk easement adjacent to residential parcels or lots pursuant to section 50-77.

SECTION 32. AMENDMENT OF LAND DEVELOPMENT CODE. Chapter 50, Article III of the City of Belle Isle Land Development Code is hereby amended to create a new Section 50-77 as set forth below (~~struckout text~~ indicates deletions; underlined text indicates additions; and non-referenced provisions shall remain unchanged):

Section 50-77. Pavers for sidewalks and driveways.

- a) Subject to compliance with the applicable requirements of this section, the city may permit a residential property owner to construct a paver sidewalk, driveway and driveway apron (or either one individually) within the public right-of-way or a public sidewalk easement adjacent to such residential property owner's parcel or lot in conjunction with such property owner's construction of a paver driveway upon the adjacent private property. Any such permit or permission granted by the city (included such granted prior to the adoption of this section) shall be a revocable license and does not create any vested rights, property rights, or privileges. All property owner(s) given permission to install a paver sidewalk, paver driveway and/or paver driveway apron shall assume the risk that the city's permission to construct and maintain the pavers within the public right-of-way or public sidewalk area may be revoked at any time at the city's discretion and that the pavers may be required to be removed. By granting permission to use pavers under this section, the city does not waive or restrict the city's power and authority over the operation, use, regulation and control of the public rights-of-way and public sidewalk easement areas.
- b) A residential property owner that desires to construct or reconstruct a sidewalk, driveway or driveway apron within the public right-of-way or public sidewalk easement area using pavers must, as a precondition of obtaining approval, execute a license and maintenance agreement with the city, in a form and with terms acceptable to the city manager, that provides, at a minimum, for such property owner and its successors and assigns in interest, to maintain and repair (at the property owner(s)' expense) the pavers and to indemnify and hold the city and its officers, employees and agents harmless from matters arising from or concerning the use, installation, maintenance and repair of the pavers, and address other matters set forth in this section. All license and maintenance agreements shall be promptly recorded in the public records of Orange County, Florida, at the property owner(s)' expense, and such shall run with the property owner(s)' land and shall inure to and be binding upon the property owner(s)' heirs, personal representatives, successors, and assigns. Further, such license and maintenance agreement shall give the city lien rights against the property owner(s)' property for the recovery of any monies owed to the city concerning the pavers. In the event the city license is revoked or terminated, then the property owner(s) shall promptly, at the property owners' cost, remove the paver sidewalk and driveway apron improvements and restore such area as directed by the city, which may require the reconstruction of sidewalks and/or a driveway apron with other code compliant materials at the property owner(s)' expense.
- c) Sidewalks made of pavers shall be constructed with pavers that are 2-1/4" thickness x 4" width x 8" length to meet ASTM C 902-11 pedestrian and light traffic paving brick specifications except at driveways where 2-3/4" thickness x 4" width x 8" length to meet ASTM C 1272-11 is required. Pavers are to be set on one inch of compacted sand on top of four-inches of compacted 3/4-inch crushed rock (six-inches of compacted 3/4-inch crushed rock for driveways). Pavers are to be laid with no or minimal joints and the joints are to be filled with a fine sand-portland cement grout mix. Additionally, sidewalk pavers must differentiate and delineate the property owner(s)' property lines in a manner that allows pedestrians and the city to easily determine the boundaries of the public sidewalk area for ease of pedestrian access, to avoid inadvertent trespass and

to identify vehicle blockages of public sidewalks. If pavers are used for driveways, driveway aprons or sidewalks, the first course will be perpendicular to the curb, or edge of pavement to protect the existing pavement.

- d) Paver sidewalks and driveway aprons shall be installed and at all times maintained in compliance with Americans with Disabilities Act (ADA) requirements, as may be subsequently modified and be designed to include handicapped ramps at all intersections.
- e) The owner(s) of the property served by or upon which a paver driveway (including with or without a paver sidewalk) is or was installed (including those installed prior to the adoption of this section) is/are solely responsible to cause and pay for all inspections, maintenance and repair of the paver driveway and paver sidewalks within the public right-of-way or public sidewalk area adjacent to said property owner(s)' property. The city shall not be liable for the costs of any inspection, maintenance, repair, or replacement of the paver driveway and sidewalk regardless of the reason(s) requiring the maintenance or repair.
- f) A property owner, property owner's agent or occupant shall regularly inspect a sidewalk and driveway apron composed of pavers to ensure its proper maintenance and repair, including in accordance with this section, other applicable code provisions and any applicable license and maintenance agreement or condition of approval. Whenever a sidewalk, driveway or driveway apron composed of pavers is in the public right-of-way or public sidewalk easement is in violation of any city code provision, the property owner or occupant must take prompt corrective action to ensure that the sidewalk and driveway apron complies with the requirements of this section, other applicable code provisions and the terms of any applicable license and maintenance agreement or condition of approval.
- g) In the event any property owner fails to properly maintain and repair the paver materials within the public right-of-way or public sidewalk easement area adjacent to such property owner's property, the city may give fifteen (15) days' written notice of such deficiencies and an opportunity to cure to the property owner(s) at the address on file with the Orange County Property Appraiser. Thereafter, if the property owner(s) fails to cure the deficiencies as determined by the city after notice of same, then the city may perform any corrective action it determines necessary, which may include without limitation, the removal of the pavers and restoration of such areas with code compliant concrete sidewalks and driveway aprons and charge the costs for the same against the property owner(s) and as a recorded lien against the property owner(s)' property. However, in the event of exigent circumstances, the city may proceed to take corrective action as stated above without notice to the property owner(s).
- h) It shall be a violation of this section for any owner, occupant, or agent of any property to allow sidewalks, driveways, or driveway aprons composed of pavers to be in violation of this section.
- i) A permit shall not be issued for the installation of a paver sidewalk, paver driveway or paver driveway apron if the city has not been fully compensated for prior expenses

incurred in removing, repairing, or replacing a non-compliant paver sidewalk, paver driveway or paver driveway apron on the subject adjacent property.

j) Driveway construction that requires removal of a vertical curb (raised curb) shall have pavement saw cut at curblines prior to removing existing curb and replaced with a header curb or valley in accordance with existing type. Driveway construction where Miami type curb (mountable) exists must tie to the back of the curb.

k) On a case-by-case basis, upon approval from the city engineer and city manager or the city manager's designee, the property owner may request an alternative to subsection (c) above if it can be shown that the alternative requested will provide equal or greater protections or benefits to the city. Further, the city manager or his/her designee shall have the authority to deny permission for the use of pavers within the public rights-of-way or public sidewalk easement area in any circumstance where: (i) the city manager is not satisfied that the proposed pavers and installation, maintenance or repair methods involved will meet the intent of this section or otherwise be safe; or (ii) such may create issues with the city's operation, control, maintenance, regulation of public rights-of-way and sidewalk easements.

l) Those property owners who as of the date of the adoption of this section have pavers installed in the place of concrete sidewalks or driveway aprons pursuant to previous permit or permission of the city are not required to comply with subsections (b), (c) and (j) above unless such improvements are removed or reconstructed; however they are not relieved of the other obligations and responsibilities of this section.

\* \* \*

**SECTION 4. SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

**SECTION 5. CODIFICATION.** It is the intention of the City Council that the provisions of this Ordinance shall become and be made a part of the Belle Isle Land Development Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to section, article, or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective upon adoption by the City Council of the City of Belle Isle, Florida.

First Reading on April 7, 2020.

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

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

ATTEST: \_\_\_\_\_  
 Yolanda Quiceno, CMC  
 City Clerk

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

\_\_\_\_\_  
 Approved as to form and legality for use and  
 reliance by the City Kurt Ardaman, City Attorney

STATE OF FLORIDA

COUNTY OF ORANGE

I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document ORDINANCE 20-04 was duly and legally passed by the Belle Isle City Council, in session assembled on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at which session a quorum of its members were present.

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

**ORDINANCE NO. 20-03**

**AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, IMPLEMENTING THE USE OF TRAFFIC INFRACTION DETECTORS WITHIN THE CITY LIMITS OF BELLE ISLE, FLORIDA AS AUTHORIZED BY SECTION 316.008(8)(a), FLORIDA STATUTES, AND CREATING A NEW ARTICLE V IN CHAPTER 30 OF THE BELLE ISLE CITY CODE REGARDING AUTOMATED RED LIGHT ENFORCEMENT; AUTHORIZING THE CITY MANAGER AND CITY POLICE CHIEF TO IMPLEMENT THE PROVISIONS OF FLORIDA LAW RELATING TO THE USE OF TRAFFIC INFRACTION DETECTORS WITHIN THE CITY LIMITS OF BELLE ISLE FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature passed CS/CS/HB325 during the 2010 Legislative Session authorizing the use of red light cameras as traffic infraction detectors to enforce certain provisions of Chapter 316, Florida Statutes, relating to red light violations; and

**WHEREAS**, the Governor of the State of Florida signed CS/CS/HB325 into law on May 13, 2010, resulting in the Law of Florida, 2010-80 taking effect on July 1, 2010; and

**WHEREAS**, the City of Belle Isle is concerned about the significant danger to its citizens caused by the violation of red lights within its jurisdiction; and

**WHEREAS**, local governments throughout the State of Florida and the United States of America have successfully used traffic infraction detectors to increase public safety; and



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**WHEREAS**, the City of Belle Isle finds that the use of traffic infraction detectors will be effective in enforcing provisions of Chapter 316, Florida Statutes, and will allow for more efficient use of limited law enforcement personnel and resources throughout this jurisdiction; and

**WHEREAS**, the City of Belle Isle seeks to exercise its local option to implement traffic infraction detectors to enforce the State Uniform Traffic Code; and

**WHEREAS**, the City of Belle Isle wishes to clarify its Code of Ordinances to specifically implement Law of Florida, 2010-80;

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

**Section 1. AUTHORITY.** The authority for enactment of this ordinance is Section 166.021 and Section 316.008(8)(a), Florida Statutes, and Article III, Section 3.01 of the City Charter.

**Section 2. RECITALS.** The above recitals constitute the legislative findings of the City and shall be incorporated herein by this reference.

**Section 3. CITY CODE AMENDMENT.** The City Code of the City of Belle Isle is hereby amended to create a new Article V, Chapter 30 entitled Automated Red Light Enforcement as follows (underlined text indicates additions; non-referenced provisions shall remain unchanged):

**CHAPTER 30 – TRAFFIC AND VEHICLES**

\* \* \*

**ARTICLE V – AUTOMATED RED LIGHT ENFORCEMENT**

**Sec. 30-163. Intent and purpose.**

This article authorizes the use of traffic infraction detectors to promote compliance with red light signal directives as set forth in this article and applicable Florida law. This article will supplement law enforcement personnel in the enforcement of red light signal violations and shall not prohibit law enforcement officers from issuing a citation for a red light signal violation in accordance with normal and customary statutory traffic enforcement mechanisms.

**Sec. 30-164. Use of traffic infraction detectors.**

The city may utilize traffic infraction detectors pursuant to general law as a means of monitoring compliance with state laws relating to traffic control signals while assisting law enforcement personnel in the enforcement of such laws, which are designed to protect and improve the public health, safety, and welfare. This article shall not supersede, infringe, curtail, or conflict with Florida laws relating to red light signal violations. The city may utilize traffic infraction detectors as an ancillary and supplemental deterrent to traffic control and traffic signal violations and thereby reduce accidents and injuries associated with such violations.

**Sec. 30-165.**

*Inter section* means the area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles; or the area within which vehicles traveling upon different roads joining at any other angle may come in conflict.

1 Motor vehicle means the definition set forth in section 316.003(43), Florida Statutes, or its  
2 successor provision.

3 Owner means the person or entity identified by the Florida Department of Highway Safety and  
4 Motor Vehicles, or other state vehicle registration office, as the registered owner of a vehicle.

5 Recorded images means images recorded by a traffic infraction detector that is operated in  
6 accordance with this article and Florida law.

7 Red zone infraction means a traffic offense whereby a traffic infraction detector indicates a  
8 violation of this article.

9 Traffic infraction detector means a vehicle sensor installed to work in conjunction with a traffic  
10 control signal and camera or cameras synchronized to automatically record two or more sequenced  
11 photographic or electronic images or streaming video of only the rear of a motor vehicle at the time  
12 the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control  
13 signal steady red light.

14 Traffic infraction enforcement officer means the city police department employees designated  
15 herein to review recorded images and issue red zone infractions based upon those images.

16  
17 **Sec. 30-166. Adherence to red light traffic control signals.**

18 A motor vehicle facing a traffic control signal's steady red light indication shall stop before  
19 entering the crosswalk on the near side of an intersection or, if none, then before entering the  
20 intersection, and shall remain standing until a green indication is shown on the traffic control signal;  
21 provided, however, the driver of a motor vehicle which is approaching a clearly marked stop line, or if  
22 none, is approaching the point nearest the intersecting roadway where the driver has a view of  
23 approaching traffic on the intersection roadway before entering the intersection in obedience of a  
24 steady red traffic control signal, may make a right turn in a careful and prudent manner (unless such  
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1 turn is otherwise prohibited by posted sign or other traffic control device), but shall yield right-of-way  
2 to pedestrians and other traffic proceeding as directed by the traffic control signal at the intersection.

3 Further, motor vehicles facing a traffic control signal that is malfunctioning, inoperable, or is  
4 emitting a flashing red light shall stop at a clearly marked stop line, but if none, before entering the  
5 crosswalk on the near side of the intersection, or if none, then at the point, nearest to the intersection  
6 roadway where the driver has a view of approaching traffic on the intersecting roadway before  
7 entering the intersection, and the right to proceed shall be subject to the rules applicable after making  
8 a stop at a stop sign. In the event that only some of the traffic control signals within an intersection  
9 are malfunctioning, inoperative, or emitting a flashing red light the driver of the vehicle approaching  
10 the malfunctioning, inoperative, or flashing red traffic control signal shall stop in the above prescribed  
11 manner.

### 12

### 13 **Sec. 30-167. Violation**

14 A violation of this article (red zone infraction) shall occur when a vehicle does not comply with  
15 the requirements of section 30-166 of this article and/or violations of Florida law, including but not  
16 limited to, violations of sections 316.074(1) and 316.075(1)(c)1, Florida Statutes. Violations shall be  
17 enforced pursuant to section 316.0083, Florida Statutes.

### 18

### 19 **Sec. 30-168. Implementation of general law.**

20 Within the jurisdictional limits of the city, the city manager and the city police chief are  
21 authorized to implement the provisions and requirements of Chapter 2010-80, Laws of Florida, as may  
22 be amended from time to time, and may take any action which is necessary for such purpose.

### 23

### 24 **Sec. 30-169. Review of recorded images.**

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1           The city shall designate one or more traffic infraction enforcement officers who shall be police  
2           officers of the city and who shall meet the qualifications set forth in section 316.640, Florida Statutes,  
3           or any other applicable statutory provision. The traffic infraction enforcement officer shall review  
4           recorded images prior to the issuance of a notice of infraction to ensure accuracy and the integrity of  
5           the recorded images. The traffic infraction enforcement officer shall also verify that the traffic  
6           infraction detector that captured the recorded images was functioning properly at the time the  
7           recorded images were captured. Once the traffic infraction enforcement officer has verified the  
8           accuracy of the recorded images and functionality of the traffic infraction detector, he or she shall  
9           complete a review of the violation and authorize enforcement action, and a notice of violation shall be  
10           sent to the owner at the address on record with the Florida Department of Highway Safety and Motor  
11           Vehicles or any other state’s vehicle registration office.

12  
13           **Sec. 30-170. Notice of violation.**

14           Within 30 days after a violation, notification must be sent to the registered owner of the  
15           motor vehicle involved in the violation specifying the remedies available under section 318.14, Florida  
16           Statutes, and that the violator must pay the penalty of \$158.00 to the city, or furnish an affidavit in  
17           accordance with section 316.0083(1)(d), Florida Statutes, or request a hearing within 60 days  
18           following the notification in order to avoid the issuance of a traffic citation. Such notification must be  
19           sent by first-class mail. Included with the notification to the registered owner of the motor vehicle  
20           involved in the infraction must be a notice that the owner has the right to review the photographs or  
21           electronic image or the streaming video evidence that constitutes a rebuttable presumption against  
22           the owner of the vehicle. The notice of violation must be accompanied by, or direct the person to a  
23           website that provides, information on the person’s right to request a hearing and on all court costs  
24           related thereto and a form to request a hearing. A request for hearing shall waive any challenge or  
25

1 dispute as to the delivery of the notice of violation. Further, the notice of violation shall include: 1)  
2 the name and address of the owner; 2) the license plate number and registration number of the  
3 vehicle; 3) the make, model, and year of the motor vehicle; 4) notice that the infraction charged is  
4 pursuant to this article; 5) the location of the intersection where the violation occurred; 6) the date  
5 and time of the red zone infraction; 7) images depicting the infraction, showing the license tag of the  
6 offending vehicle and the traffic control device being violated; 8) instructions on all methods of  
7 payment of the penalty; 9) a statement specifying the remedies available under section 318.14,  
8 Florida Statutes; 10) a statement that the owner must pay a penalty of \$158.00 to the city or provide  
9 an affidavit that complies with section 316.0083 within 30 days of the date the notice is issued in  
10 order to avoid court fees, costs, and the issuance of a uniform traffic citation; and 11) a signed  
11 statement by the traffic infraction enforcement officer that, based on inspection of the recorded  
12 images, the vehicle was involved in a red zone infraction.

13  
14 **Sec. 30-171. Uniform traffic citation.**

15 \_\_\_\_\_ A uniform traffic citation may be issued by mailing the traffic citation by certified mail to the  
16 address of the registered owner of the motor vehicle in the notice of violation if payment has not  
17 been made within 60 days after the date of the notice of violation, if the registered owner has not  
18 requested a hearing, or if the registered owner has not submitted an affidavit as provided in section  
19 30-170.

20  
21 **Sec. 30-172. Signage.**

22 \_\_\_\_\_ When the city installs a traffic infraction detector at an intersection, the city shall erect  
23 signage at the intersection sufficient to notify the public that a traffic infraction detector may be in use  
24 at the intersection and shall include specific notification of intersection safety camera enforcement of  
25

1 violations concerning right turns. Such signage shall meet the specifications for uniform signals and  
2 devices adopted by the Florida Department of Transportation pursuant to section 316.0745, Florida  
3 Statutes.

4  
5 **Sec. 30-173. Consistency with state law.**

6 This article shall be interpreted and applied so that it is consistent with state law, including the  
7 Mark Wandall Traffic Safety Act as set forth in section 316.0083, Florida Statutes. Any amendment to  
8 an applicable state law shall automatically apply to the enforcement and application of this article  
9 whether or not this article or any provision thereof has been amended to specifically address such  
10 state law amendments. Without limitation, any future amendment regarding the amount of the civil  
11 penalty or the apportionment of the proceeds thereof shall be deemed to apply in the enforcement of  
12 this article, even prior to a specific amendment to this article to make this article expressly consistent  
13 with such change in state law with respect to the amount of the penalty or the apportionment of the  
14 proceeds thereof.

15 \* \* \*

16  
17 **Section Four. SEVERABILITY.** If any section, sentence, clause, or phrase of this Ordinance is held to be  
18 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way  
19 effect the validity of the remaining sections of this Ordinance.

20  
21 **Section Five. CONFLICTS.** In the event of a conflict or conflicts between this Ordinance and any other  
22 ordinance of the City, this Ordinance controls to the extent of the conflict to the fullest extent  
23 permissible under law.

1 **Section Six. CODIFICATION.** Section 3 of this Ordinance shall become and be made a part of the City  
2 Code of the City of Belle Isle.

3  
4 **Section Seven. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon adoption by the  
5 City Council of the City of Belle Isle.

6  
7 **First Reading on April \_\_\_\_, 2020.**

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

	YES	NO	ABSENT
11 Ed Gold	_____	_____	_____
12 Anthony Carugno	_____	_____	_____
13 Karl Shuck	_____	_____	_____
14 Mike Sims	_____	_____	_____
15 Harvey Readey	_____	_____	_____
16 Jim Partin	_____	_____	_____
17 Sue Nielsen	_____	_____	_____

18  
19 ATTEST: \_\_\_\_\_

20 Yolanda Quiceno, CMC  
21 City Clerk

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

22  
23 Approved as to form and legality for use and reliance  
24 by the City Kurt Ardaman, City Attorney

25



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 20-03 was duly and legally passed by the Belle Isle City Council, in session assembled on the \_\_\_\_  
5 day of \_\_\_\_\_, 20\_\_\_\_, at which session a quorum of its members were present.

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7 \_\_\_\_\_

8 Yolanda Quiceno, CMC-City Clerk

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

**Meeting Date:** April 7, 2020

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

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

**Subject:** Ordinance 20-03 Traffic Infraction Detector System

**Background:** On March 18<sup>th</sup>, the City Council approved the bid of NovoaGlobal for the installation, maintenance and operation of traffic infraction detection (red light camera) systems. The City is also required to adopt an ordinance for the proper use and enforcement of the traffic infraction detectors. The City Attorney drafted the proposed ordinance.

**Staff Recommendation:** Read the ordinance for the 2<sup>nd</sup> time on April 21 and adopt the ordinance.

**Suggested Motion:** I move that we read Ordinance 20-03 at the April 21, 2020 meeting.

**Alternatives:** Do not approve

**Fiscal Impact:** Revenue projected in City Budget \$350,000; Expense \$100,000. This may be less since this the City may be half way through the budget year when installed. The City staff will recommend a budget amendment at a later date.

**Attachments:** Ordinance 20-03