



city council agenda

Agenda
July 02, 2019 * 6:30 PM
City Council Meeting
City Hall Chambers 1600 Nela Avenue

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

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

1. Call to Order and Confirmation of Quorum
2. Invocation and Pledge to Flag - Commissioner Ed Gold - District 1
3. Consent Items (10 minutes)
 - a. Approval of the City Council meeting minutes for June 4, 2019
 - b. Approval of the City Council meeting minutes for June 18, 2019

4. Citizen's Comments

Persons desiring to address the Council MUST complete and provide to the City Clerk a yellow "Request to Speak" form located by the door. After being recognized by the Mayor, persons are asked to come forward and speak from the lectern, state their name and address, and direct all remarks to the Council as a body and not to individual members of the Council, staff or audience. **Citizen comments and each section of the agenda where public comment is allowed are limited to three (3) minutes.** Questions will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you.

5. Unfinished Business

- a. Ordinance 19-03 - Second Reading and Adoption (Est. 15 minutes): AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, RELATED TO LOT SPLITS AND LOT AGGREGATION; AMENDING SECTIONS 50-32, 50-33, 50-37, 54-2, AND 54-171 OF THE CITY LAND DEVELOPMENT CODE; PROHIBITING VARIANCES FOR LOT SPLITS RESULTING IN NON-CONFORMING LOTS; PROVIDING DEFINITIONS; PROVIDING FOR APPLICATION FEES; PROVIDING FOR TREATMENT OF APPLICATIONS RECEIVED PRIOR TO ENACTMENT OF ORDINANCE; PROVIDING FOR ADOPTION OF DIAGRAM ILLUSTRATING HOW TO MEASURE LOT DIMENSIONS; AMENDING AND CLARIFYING THE AGGREGATION REQUIREMENTS FOR SUBSTANDARD LOTS OF RECORD; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.
- b. Ordinance 19-04 - Second Reading and Adoption (15 minutes): AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA AMENDING CHAPTER 30 OF THE CITY CODE PERTAINING TO PARKING REGULATIONS; PROVIDING FOR DEFINITIONS, PARKING OF MOTOR VEHICLES, ISSUANCE OF CITATIONS, FINES, HEARINGS, APPEALS, PARKING ON THE PARKING STRIP, OCCUPANCY AND RENTAL OF VEHICLES, STANDARDS FOR DESIGNATED PARKING AREAS, FRONT YARD PARKING, PARKING SURFACE REQUIREMENTS AND OTHER MATTERS RELATED TO VEHICLE PARKING WITHIN THE CITY; PROVIDING FOR CREATION OF RESIDENTIAL PARKING DISTRICTS, PROCESS FOR APPLICATION FOR AND CREATION OF SUCH, PERMITTING IN RESIDENTIAL PARKING DISTRICTS, PENALTIES, AND OTHER MATTERS RELATED THERETO; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.
- c. Approval of Resolution 19-06 (10 minutes): A Resolution of the City Council of the City of Belle Isle, Florida, Amending the Rules of Council for meetings of the City Council of the City of Belle Isle; and providing an effective date.

6. New Business

- a. Approval to donate Grady (Green) House to Pine Castle Historical Society (30 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 74

7. Attorney Report

8. City Manager's Report

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

9. Mayor's Report

10. Council Reports

11. Adjournment



city council minutes

MINUTES
June 4, 2019
Regular Session 6:30 pm

The Belle Isle City Council met in a regular session on June 4, 2019, 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 Harv Readey
Commissioner Mike Sims
Commissioner Jim Partin
Commissioner Sue Nielsen

Absent was:

NA

Also present were City Manager Bob Francis, Attorney Kurt Ardaman, Chief Houston and Admin Assistant Heidi Peacock.

CALL TO ORDER

Mayor Fouraker called the City Council Regular Session to order at 6:30 pm and confirmed quorum. Commissioner Readey gave the invocation and led the Pledge to the flag.

CONSENT ITEMS

No report.

CITIZEN COMMENT

Mayor Fouraker opened for citizen comment.

- Sue Judd residing at 1503 Conway Isle Circle shared her concern with the overbrush blocking the sidewalk in some of the areas in the City and asked if she can speak to someone about her concern. City Manager Francis said he would contact her regarding her concern.
- Greg Gent residing at 2924 Nela Avenue, shared his concern and continued problems with the Planning & Zoning Board decisions. He spoke of the most recent example for a fence at 6806 Seminole Drive. He noted, in his opinion, the Board continues to often not speak of the variance criteria when approving a request. He asked for assistance from the Council to hold the Board members accountable to uphold the criteria when approving all variances.

There being no further citizen comments Mayor Fouraker closed citizen comment.

UNFINISHED BUSINESS

Ordinance 19-03 First Reading and Consideration

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, RELATED TO LOT SPLITS AND LOT AGGREGATION; AMENDING SECTIONS 50-32, 50-33, 50-37, 54-2, AND 54-171 OF THE CITY LAND DEVELOPMENT CODE; PROHIBITING VARIANCES FOR LOT SPLITS RESULTING IN NON-CONFORMING LOTS; PROVIDING DEFINITIONS; PROVIDING FOR APPLICATION FEES; PROVIDING FOR TREATMENT OF APPLICATIONS RECEIVED PRIOR TO ENACTMENT OF ORDINANCE; PROVIDING FOR ADOPTION OF DIAGRAMS ILLUSTRATING HOW TO MEASURE LOT DIMENSIONS; AMENDING AND CLARIFYING THE AGGREGATION REQUIREMENTS FOR SUBSTANDARD LOTS OF RECORD; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

City Manager Francis read Ordinance 19-03 by title.

Comm Nielsen motioned to advance Ordinance 19-03 for a second reading and adoption.

Comm Partin seconded the motion.

Mayor Fouraker opened for Council discussion.
Comm Shuck asked for clarification of Section 50-32.
After discussion, the motion passed 6:1 with Comm Carugno, nay.

NEW BUSINESS

Approve Solid Waste and Recycling Proposal

City Manager Francis reported that he and the Solid Waste Committee advertised for RFP Services and received a total of three proposals (Republic Services, Waste Pro and Waste Connection). Also, he noted that Waste Management presented a letter with reasons why they did not submit for the project.

The RFP required the companies to provide two bids, (1) with a 5% franchise fee and, (2) a bid without a 5% franchise fee. The Committee did not recommend either as the decision on a franchise fee is a decision for the Council to make. The contract is Solid Waste and Recycling services for 5-years with options to renew for additional 1-year periods.

After review of the proposals, the Committee recommends the proposal submitted by Waste Pro. Although the Committee is not making a recommendation on the franchise fee, the City Manager is recommending that the City Council accepts the bid with the 5% franchise fee.

Mayor Fouraker opened for Council discussion.

Council asked the following,

- What is the current cost of the contract?
Current cost is \$236 per household/19.65 a month
- What is the “favorite nation’s language?” in the contract that caused Waste Management not to bid.
If another vendor offers the City a better price after awarding the contract; the awarded contract is bound to give the same price.
- What will the 5% franchise fee cover?
If adopted, the Council will be asked to create a special district/restricted fund to cover any costs for our roads, curbs, and right-of-ways. Comm Readey shared his concern with the administrative cost and the pass-through to the residents or a tax increase. Mayor Fouraker spoke on the difference between a millage increase and alternative revenue sources. City Manager Francis spoke on the current/ongoing paving projects and estimated maintenance cost currently on the schedule.
- How much will 5% increase be monthly?
The 5% will add \$13 a month to each bill as opposed to a tax increase that can fluctuate with property values.

City Manager Francis gave a brief overview of the proposed services from the new vendor. He stated that all the vendors are good, reliable company’s however, unfortunately, it all came down to cost. Mr. Francis stated the Council could open for another bid and RFP if they are not comfortable with the proposed contract.

Mayor Fouraker recognized Mr. Van Kamp, who shared his concerns with the Commercial properties not complying with the franchise agreement, which will cover the proposed 5% increase.

Don Collins from Republic Services with offices at 11255 Rocket Blvd, Orlando said from a Commercial standpoint 99% of the business in Belle Isle is compliant. There is an exclusive franchise with the Republic Services by contract and ordinance. He has been informed by some of his drivers that there have been a few other vendors who have sneaked into the City, but he has not pushed the issue. However, because some of the businesses choose to use other vendors, the City is losing the opportunity to receive a franchise fee from the dumpsters because competitors are not part of the contract. Discussion ensued on non-compliant commercial properties around the City, specifically Regal Boats. He further added that he had not been contacted by anyone in the City, per the negotiation requirements of the RFP, and the proposed bid submitted by Waste Pro does not include event services which can explain the price differences.

Council consensus was that all commercial business should comply with the franchise agreement moving forward before approving a tax increase.

City Manager Francis stated that he is aware of two commercial properties in the City who were not in compliance and the City responded accordingly to the businesses. He stated that he has never heard of the comments made of Regal Boats. The City does not have many commercial businesses, so the City has allowed the waste hauler to deal with them directly. However, if the Council would like the vendors to submit a commercial bid to regulate and put requirements on the commercial businesses, the City can reject the submittals and resubmit the RFP to include commercial. Discussion ensued.

Mayor Fouraker shared his concerns in opposition to the recommended proposal.

Mr. Francis stated that the vendors were invited to speak with the Committee, and no one requested time to meet or attended any of the Committee meetings.

Comm Gold requested Council to defer judgment to allow all the vendors to meet with Council and research the concerns shared regarding Regal Boats. In light of the request, Mayor Fouraker said the process suggested is not allowed per the RFP process.

Attorney Ardaman said under the circumstances; it may be in the best interest of the City to defer the decision until Council can get more information before making a decision.

**After discussion, Comm Carugno motioned to reject all the bids and readvertise the RFP as discussed.
Comm Shuck seconded the motion for discussion.**

Comm Nielsen asked if the City can require all residential and commercial properties in the City of Belle Isle to use the company contracted with the City. She asked for the City Attorney to research the information and reconvene at the next meeting.

Attorney Ardaman said he would like to research the prior ordinances and agreements, if any, further before providing a recommendation.

**Comm Nielsen motioned to table the approval of the Solid Waste and Recycling Proposals.
Comm Readey seconded the motion.**

Motion failed 4:3 with Comm Carugno, Comm Partin, Comm Shuck, and Comm Gold - nay and Comm Nielsen, Comm Sims and Comm Readey - aye.

Mayor Fouraker opened for vendor comment and consideration.

Tim Dolan Regional VP from Waste Pro with offices at 3705 St. Johns Parkway, Orlando clarified the following proposal highlights,

1. The 5% increase will be 60-70 dollars a year /6-7 dollars a month with a 20% difference in price.
2. Monday yard waste and Wednesday garbage pick up.
3. No Regal Boats pick up was included in the submittal or included in the RFP documents provided.
4. RFP was responded by Waste Pro as requested.

Mayor Fouraker recognized Gary Maloon.

Gary Maloon residing at 6101 Matchett Roaf stated Regal Boats produces a high volume of hazardous, resin and fiberglass waste. There may be an environmental reason as to why they cannot use our vendor and are required to dispose of the material by other means.

Comm Sims stated the RFP process is an expensive and labor-intensive process and Council should keep that in mind. Also, it is a rash move to have the vendors resubmit their proposals when it has been discussed tonight in length.

**After discussion, Comm Carugno motioned to reject all the bids and readvertise the RFP as discussed.
Comm Shuck seconded the motion.**

The motion failed 5:2 with Comm Sims, Comm Partin, Comm Gold, Comm Readey and Comm Nielsen – nay and Comm Shuck and Comm Carugno – aye.

Comm Nielsen motioned to table the motion and have the City Attorney and City Manager research any existing waste pick up documents or agreements with Regal Boats to determine whether or not the City will move forward with the 5% franchise fee. City Manager Francis said after researching the concern the City will put together a comprehensive list of all commercial accounts so that all the vendors are working on the same information.

Comm Nielsen withdrew her motion for consideration.

After discussion, Comm Carugno motioned to reconsider to reject all the bids and readvertise the RFP as discussed.

Comm Shuck seconded the motion.

The motion passed 4:3 with Comm Readey, Comm Sims, Comm Nielsen - nay, and Comm Partin, Comm Carugno, Comm Gold and Comm Shuck – aye.

Mayor Fouraker opened for discussion.

Comm Carugno motioned to reject all the bids and readvertise the RFP as discussed.

Comm Gold seconded the motion for discussion

Mayor Fouraker opened for discussion.

The motion passed 4:3 with Comm Gold, Comm Carugo, Comm Shuck and Comm Partin – aye and Comm Sims, Comm Readey and Comm Nielsen – nay.

Discuss Proposed Ordinance 19-04 Parking Amendments

City Manager Francis gave a brief overview of the previous work sessions on parking issues. Mr. Francis provided an amended ordinance and requested the following changes,

- Page 30 – Section 30-132
(d) No vehicle shall be occupied for permanent living purposes, nor connected to public utilities (sewer or water, ~~or electric~~) while stored at a residence, except that if the owner of the property has a valid building permit for extensive remodeling or renovation of the residence and the residence cannot be inhabited due to such remodeling or renovation, then the property owner may use a recreational vehicle for a temporary dwelling until the remodeling or renovation is complete. The resident must provide the City with a valid building permit.
- Page 31 – Section 30-133
(1) All areas designated as parking or driveway shall be constructed of the following materials: asphalt, concrete, pavers, 4” gravel or crushed rock, mulch, or other material approved by the City Manager or City Manager designee.
- City Manager Francis asked for Council consideration to change the ordinance to require residents, with short yards, to have a prepared surface 75 feet from the front of the road to the yard.
City Manager Francis clarified if a resident needs to park on an unprepared surface on their property, they will be able to request a parking permit by calling City Hall and obtaining approval by the City Manager. Discussion ensued on Section 30-84 criteria/requirements designating parking districts.

After discussion, Comm Nielsen motioned to approve the changes as discussed and advance Ordinance 19-04 to First Reading and Consideration.

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

Approval of Resolution 19-06, Amendments to Rules of Council

City Manager Francis presented and reviewed the changes made by the City Attorney as discussed by Council to conform to the Belle Isle Municipal Charter. The following changes were presented as follows,

Section 2.3 Meetings Shall Be Public.

Section 2.8 Work Sessions.

Article 4. Packet Preparation, Posting, and Agenda Order.

Article 4.1 Packet Preparation and Posting.

Comm Partin addressed some scrivener's errors before approval.

Discussion ensued on packet preparation and posting.

Comm Carugno motioned to extend the meeting for an additional 15 minutes to 9:15 pm.

Comm Gold seconded the motion.

Comm Sims shared his concerns with the extended time given to public hearing comments at Council meetings.

After discussion the motion passed 4:3 with Comm Nielsen,

Comm Sims and Vice Mayor Readey – nay.

After discussion, Comm Gold motioned to table the discussion on Rules of Council for further review.

Vice Mayor Readey seconded the motion which passed unanimously 7:0.

ATTORNEY REPORT – No report.

CHIEF'S REPORT

Chief Houston reported that the Police Department had had a patrol phone for several years, and residents have been using calling this line, which should be recorded and dispatched, for emergency 911 calls (i.e., overdose, home invasions, and possible awing drawing). As of June 5th, 2019 the Belle Isle Police Department will begin forwarding all patrol phone calls to the Orange County Sheriff's Non-Emergency number to ensure all calls will be handled by trained dispatchers and 911 operators and recorded per Florida State Statue and Sunshine Law. Residents should update the non-emergency call number to the Orange County non-emergency 407-836-HELP or 911 for emergencies where approximately 40 dispatchers will be ready to take your call. This change is for the safety of the residents in the City of Belle Isle.

Chief Houston reported that the Belle Isle Police Department had issued 79 citations for the May. Out of the total citations written 39 citations was issued to personal watercraft on Lake Conway.

MAYOR'S REPORT– No report.

CITY MANAGER'S REPORT

Issues Log update

City Manager Francis provided an update on the Issues Log as follows,

- Gene Polk park funding in pace and wills tart next year.
- I am adding two-speed tables at the crosswalk at Matchett/Nela and in front of City Hall on Nela. If Orange County transfers Seminole to the City, then there might be an additional speed table added in that area to control traffic.
- Traffic Study – Consultant, sent the final study of the plan and will be sent to the Council for review.
- Fountain – Waiting for Duke Energy to install the meter. The City is also looking to beautify the panel beautifully to give an aesthetically pleasing appearance.
- Wallace Field – City sent proposed Bylaw changes, Usage Agreement and the names of the four board candidates to the CCA Board for review and approval at their June 26th CCA Board meeting.

- Property Acquisition – He and the Mayor will be meeting with Comm Uribe on Cross Lake.
- Strategic Plan Schedule – Mr. Francis gave three dates for consideration for Friday and Saturday sessions – August 9-10, August 16-17 or September 13-14.
- Comp Plan Update – Updates are not required until 2024.
- North Lake Concerns – Mr. Francis reported that the residents on the North Lake shared their concerns on the lake boarding and how it is affecting their property. Mr. Francis asked if the Council would like the City to contact FWC or allocate \$10,000-15,000 to the City Attorney for initial research on how the City can take control of the lakes. The residents at the North Shore will be having a meeting on Monday at 9 am.

Comm Readey motioned to allocate no more than \$15,000 to the City Attorney for initial research on how the City can take control of the lakes.

Comm Nielsen seconded the motion which passed 5:2 with Comm Shuck and Comm Gold nay.

COUNCIL REPORT – No report.

ADJOURNMENT

There being no further business Mayor Fouraker called for a motion to adjourn. The motion was passed unanimously at 9:17p.m.

Yolanda Quiceno, CMC, City Clerk



city council minutes

MINUTES
June 18, 2019
Regular Session 6:30 pm

The Belle Isle City Council met in a regular session on June 18, 2019, at 6:40 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 Sue Nielsen

Absent was:

Commissioner Jim Partin
Commissioner Harv Readey

Also present were City Manager Bob Francis, Attorney Kurt Ardaman, Chief Houston and City Clerk Yolanda Quiceno. Before the invocation, Mayor Fouraker gave a brief overview of the order and procedure of tonight's meeting.

CALL TO ORDER

Mayor Fouraker called the City Council Regular Session to order at 6:40 pm and the City Clerk confirmed quorum. Commissioner Nielsen gave the invocation and led the Pledge to the flag.

Mayor Fouraker reported that Comm Readey and Comm Partin would not be in attendance and requested a motion for an excused absence.

**Comm Sims motioned to excuse Comm Readey from tonight's meeting.
Comm Nielsen seconded the motion which passed unanimously 5:0.**

**Comm Gold motioned to excuse Comm Partin for tonight's meeting.
Comm Sims seconded the motion which passed unanimously 5:0.**

CONSENT ITEMS

- a. Resolution 19-07 – A Resolution of the City of Belle Isle, Florida is adopting suggested trees to develop a diverse canopy.
- b. Staff Reports

**Comm Shuck motioned to approve the Consent Agenda as presented.
Comm Nielsen seconded the motion and requested that Resolution 19-07 (item a) be pulled for discussion.
Comm Nielsen requested removal of the invasive Golden Rain Tree from the approved tree list.**

**Comm Shuck amended his motion to approve the Consent Agenda with the removal of the Golden Rain Tree from the approved tree list as an acceptable tree.
Comm Nielsen seconded the motion which passed unanimously 5:0.**

CITIZEN COMMENT

Mayor Fouraker opened for citizen comment.

- Cory Kneipp residing in the City of Edgewood said she had recently visited the park on Wallace Road and asked why there is limited parking to residents and if the City is planning on developing the property in the future. City Manager Francis said he could contact her and her husband and provide them an update on the progress of the on-going discussions on the development of the park.

There being no further citizen comments Mayor Fouraker closed citizen comment.

Mayor Fouraker requested a motion to reorder the agenda due to time constraints and bring forward Ordinance 19-04 for discussion. The request failed for lack of motion.

UNFINISHED BUSINESS

Approval of Cross Lake Beach Proposal.

Mayor Fouraker opened the discussion for the approval of Cross Lake Beach Proposal.

Mayor Fouraker welcomed District 3 Commissioner Myra Uribe.

City Manager Francis gave a summary of the on-going negotiations with the State and adjacent property owners of the Cross Lake property since October 2018. Due to the improper notice, the Board of County Commissioners (BOCC) was not able to move forward with the City's application hearing at that time. Mr. Francis referenced Resolution 79-06 and the City's Comprehensive Plan 1990, 2003, 2008-2009 showing Cross Lake as a park. Mr. Francis proposed zoning Cross Lake as a road, extend the right-of-way, the concrete bollards will be moved 30 feet from the lake, and one of the adjacent property owners will have a driveway, and the other will continue to have use of their entry gate. He noted, at the current date there is encroachment by both adjacent property owners to the north and the City is proposing deed access of 15ft to the residents on the north of the property once purchased from the State.

Mayor Fouraker opened for Board discussion.

Comm Carugno shared his concerns and said he would be in favor of purchasing the property; however, he would not like to attach the proposed land split at this time. Mr. Francis stated that the BOCC might not put forward a recommendation for approval to the State without mutual consent between the City and the adjacent property owners on the proposed plan.

Comm Shuck said he believed the City Council authorized the City Manager last year to have the City move forward with the purchase. Mr. Francis said the Council did authorize him to move forward; however, as required, this proposal was not submitted to the BOCC for a recommendation.

Comm Nielsen asked Comm Uribe if the City does not approve the agreement what other options are available to move forward. Comm Uribe said there are two property owners adjacent to the area who are required to agree with the proposal before presenting to the BOCC for recommendation to the State.

Comm Sims said he had received a lot of feedback from the residents. He asked if the proposed lot split request is concrete for this idea or is their room for re-negotiations. Mr. Francis said at this time if the Council allows any sought of land to the adjacent property owners, it will bring some of the issues in compliance with the Code.

Comm Gold said the only way to purchase the property is to make concessions. What would happen if the City lets the State continue with their ownership? Mr. Francis said the City runs into a risk of losing the opportunity if the application is pulled by the City to purchase the property.

Mayor Fouraker opened for public comment.

- Janet Erne and Ted Spruill residing at 3812 Lake Shore Drive spoke in opposition to the Cross Lake proposal. Mr. Spruill shared his concern with the initial process, including having the purchase predicated on making a deal and leaving it up to the adjacent owners. Ms. Erne asked if the City is buying the land for all citizens, why is the purchase now conditional. The beach has been enjoyed historically by many residents and encourages the Council to move forward with the purchase and give further consideration to exactly what the best use of the property would be.
- Chris Whitaker residing at 5220 Oak Island, spoke in favor of a Cross Lake proposal. For the record, he asked for Council consideration to change the Comp Plan to not include the future use of a boat ramp at Cross Lake Beach. He further agreed to allow for entry to the homes on the north and an opportunity to correct the mistakes made by the previous administration.
- Cheryl Leonard residing at 5124 Oak Island Road spoke in opposition to the Cross Lake proposal. The City already decided to purchase the property and taking anything away from the beach from all the residents of the City is not right. The adjacent homeowners knew what they were buying when they purchased the home.

- Paul Heidbrink residing at 5107 Oak Island Road, spoke in opposition of the Cross Lake Beach proposal. He shared his concern and stated that the property should remain as a park. The defects of the property have been there for many years, and the homeowners knew what they were purchasing at the time. The City should move forward with the purchase and discuss the subsequent use of the property with all the citizens of the Belle Isle, not just the adjacent property owners.
- Mark Smothers residing at 2520 Hoffner Avenue shared his concern with the life safety entry (EMS and Fire Department) to the Cross Lake properties if the proposal is approved. Additionally, the security of Cross Lake Beach is extremely important to allow access for secondary access to the water supply.
- Emily Wakley, residing at 3019 Indian Drive, spoke in opposition to the Cross Lake Beach proposal. She shared her concerns and stated that the sale of public land to private homeowners is not in the public interests. She is not opposed to allowing access the adjacent homeowners through an access easement.
- Gayle Bouck residing at 2205 Oak Island spoke in opposition to the proposed resolution. She agrees with the City's purchase of the property and allowing ingress and egress only to the adjacent homeowners.
- Anita Sacco residing at 4913 Jinou Avenue said she is in favor of the purchase of the property from the State of Florida; furthermore, following the purchase of the property, she is opposed to the separation of any property for sale to any private property owners. She shared her concerns and spoke of the prior actions made by the Council to purchase the property and the 12-page reports submitted by the adjacent property owner's attorney.
- Dave Snavelly residing at 2800 Alsace Court spoke in opposition of the Cross Lake Beach proposal. To lose any of the 50 feet of the park will be at the expense of all the residents of the City.

Mayor Fouraker stated that the City has received numerous emails on the subject and are available to the public. There being no further comments, Mayor Fouraker closed public comment and opened for Board discussion and motion.

Comm Carugno addressed the 12-page documents submitted by the adjacent property owner's attorney on June 17th. He stated because it was received the day prior and did not have time to review the document and verify the information presented.

Council asked Attorney Ardaman if there are any additional options or a recommendation from the City Attorney before moving forward to the BOCC. Attorney Ardaman said Council proposes an alternative option for consideration.

After discussion, Comm Carugno motion to recommend to the Lake Advisory Board and the Board of County Commissions to schedule a hearing to recommend the City of Belle Isle to purchase the property at Cross Lake Beach from the State without the concessions to split any of the lands to the adjacent property owners. Comm Shuck seconded the motion which passed unanimously 5:0.

Ordinance 19-03 (lot Splits) and 7020 Seminole Drive

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, RELATED TO LOT SPLITS AND LOT AGGREGATION; AMENDING SECTIONS 50-32, 50-33, 50-37, 54-2, AND 54-171 OF THE CITY LAND DEVELOPMENT CODE; PROHIBITING VARIANCES FOR LOT SPLITS RESULTING IN NON-CONFORMING LOTS; PROVIDING DEFINITIONS; PROVIDING FOR APPLICATION FEES; PROVIDING FOR TREATMENT OF APPLICATIONS RECEIVED PRIOR TO ENACTMENT OF ORDINANCE; PROVIDING FOR ADOPTION OF DIAGRAMS ILLUSTRATING HOW TO MEASURE LOT DIMENSIONS; AMENDING AND CLARIFYING THE AGGREGATION REQUIREMENTS FOR SUBSTANDARD LOTS OF RECORD; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Fouraker opened for Board discussion.

City Manager Francis provided a diagram for consideration based on the prior discussion of Ordinance 19-03 on the measurement of lot depth. The diagram, if approved, will be part of the policy and procedures of the City. Discussion ensued.

Before discussion of 7020 Seminole Drive, Attorney Ardaman advised Council that the discussion will be for settlement consideration/compromise on the pending lawsuit.

City Manager Francis spoke of the current lawsuit submitted by Bobby and Cindy Lance. He announced that the City Attorney had submitted the City's motion to dismiss the complaint about declaratory relief. The staff believes that this lawsuit will incur additional costs to the City in money, resources and time and is requesting a motion to allow this last lot split before adopting Ordinance 19-03 that would not allow for substandard lots anymore. Mr. Francis requested approval of the lot split with the

following conditions, (1) the property is allowed to split as a regular lot split 85/65; (2) the Lance's reimburse the City for expenses totaling \$18,000 and (3) Lance's drop the current lawsuit.
Mayor Fouraker opened for Council discussion.

Council discussed the possibility of allowing the 75/75 configuration.

Attorney Ardaman said given the code has not been changed concerning the width measurements there is the ability to have an interpretation of the 85/65 flag lot to meet code. With the 75/75, there is a greater risk of a challenge that they do not meet the minimum 85ft width requirement.

Council discussed prior discussions on prohibiting flag lots in the City. Mr. Francis clarified that the passing of Ordinance 19-03 would correct the prohibition of future flag lots. Discussion ensued.

Mayor Fouraker opened for public comment.

- Debbie Donham residing at 6904 Seminole Drive shared her concerns on current flag lots adjacent to her property and the encouraged Council to think on how these decisions affect all property owners.
- Daniel Batyos residing at 2224 Homewood Drive spoke in opposition of the lot split mainly due to the increase of the density in our City.
- Beth Lowell residing at 2416 Homewood Drive spoke in opposition of the lot split due to higher density and the traffic overflow.
- Emily Wakley residing at 3019 Indian Drive spoke in opposition of the lot split because it does not meet the current code requirements, and the Council should reaffirm and uphold their decision to deny the request.

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

Council discussed moving forward with the lawsuit and potential cost to the City.

Comm Sims shared his concerns and spoke of Council's decision to a date to deny the request. He stated that he is in favor of approving the request.

Comm Gold and Comm Shuck shared their concerns with the proposal and stated that they are in favor of approving the request.

Comm Carugno shared his concerns with the proposal and is not in favor of approving the lot split approval and would like to move forward with the lawsuit.

After discussion, Comm Carugno motioned to table the decision to a future City Council meeting to allow the aggrieved parties to be present allow for a full Council present and until the Court has provided the City a response for dismissal.

Motion failed for lack of 2nd.

Comm Carugno motioned to extend the meeting to 9:30 pm.

Comm Shuck seconded the motion which passed unanimously 5:0.

Comm Sims moved to approve the lot split for 7020 Seminole Drive with the three conditions stated.

Comm Shuck seconded the motion.

Attorney Ardaman recommended that the conditions include dismissing the lawsuit with prejudice with a settlement agreement to be reviewed and approved by the City Manager and City Attorney.

Comm Sims amended his motion as follows,

Comm Sims moved to approve the lot split for 7020 Seminole Drive with the following conditions

(1) the property is allowed to split as a regular lot split 85/65;

(2) the Lance's reimburse the City for expenses totaling \$18,000 and

(3) Lance's drop the current lawsuit without prejudice.

Comm Shuck seconded the motion which passed 4:1 with Comm Carugno nay.

Mayor Fouraker called for a motion to allow for a 15-minute break and excuse Comm Sims for the remainder of the meeting.

Comm Nielsen motioned for a recess and excused Comm Sims for the remainder of the meeting.

Comm Carugno seconded the motion which passed unanimously 5:0

Ordinance 19-04 – First Reading and Consideration

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA AMENDING CHAPTER 30 OF THE CITY CODE PERTAINING TO PARKING REGULATIONS; PROVIDING FOR DEFINITIONS, PARKING OF MOTOR VEHICLES, ISSUANCE OF CITATIONS, FINES, HEARINGS, APPEALS, PARKING ON THE PARKING STRIP, OCCUPANCY AND RENTAL OF VEHICLES, STANDARDS FOR DESIGNATED PARKING AREAS, FRONT YARD PARKING, PARKING SURFACE REQUIREMENTS AND OTHER MATTERS RELATED TO VEHICLE PARKING WITHIN THE CITY; PROVIDING FOR CREATION OF RESIDENTIAL PARKING DISTRICTS, PROCESS FOR APPLICATION FOR AND CREATION OF SUCH, PERMITTING IN RESIDENTIAL PARKING DISTRICTS, PENALTIES, AND OTHER MATTERS RELATED THERETO; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

City Clerk read Ordinance 19-04 by title.

City Manager Francis provided a revised ordinance per Council discussion at the June 4th meeting. Mr. Francis reported that he received two citizen comment emails as follows:

Email from Michael Jungen:

- Requesting a change for consideration to Section 30-132(d) Regulation of Parking and Storage. This Section includes boats in the definition, and if a boat is parked at a dock, it may need to be recharged. Mr. Francis said if they remove the word “electric” from the utility section of the code, it will satisfy the concern.
- Section 31-33(c)(3)(b) and 133(d)(2) – How to park a boat. Mr. Jungen believes parking perpendicular should be eliminated and may cause a hardship due to the irregular size of some of the lots in the City. Mr. Francis does not believe it should be removed from the code; however, if a resident is having difficulty in parking their vehicle according to this section, they can contact the City for further review.

Email from Rick Miller:

- Requested his email received on June 18, 2019, about what defines a "residential parking district"? And Section 30-84 (e) be read into the record. In response, Mr. Francis said the concerns on the residential parking district are not addressed in the code but defined in the procedure. Mr. Francis stated the need for a residential parking district for public safety.

Mayor Fouraker opened for Board discussion and motion.

Comm Shuck moved to advance Ordinance 19-04 for second reading and adoption with the change to remove the word “electric” from the code section 30-132.

Comm Nielsen seconded the motion which passed unanimously 4:0.

Approval of Resolution 19-06

Comm Gold motioned to table Resolution 19-06.

Comm Nielsen seconded the motion which passed unanimously 4:0

Comm Nielsen motioned to extend the meeting to 9:45 pm and excuse Comm Gold from the meeting.

Comm Shuck seconded the motion which passed unanimously 4:0.

NEW BUSINESS

Approval of Donation Policy – No report.

ATTORNEY REPORT

Legislative Changes

Attorney Ardaman gave a brief overview of the upcoming Legislative updates that will impact municipal operations. He gave an update on the following,

1. Attorney Fees and Costs – CS/CS/CS/HB 829
2. Local Government Financial reporting and Website Posting – HB 861
3. Impact Fees – CS/HB 207
4. Private Property Rights/Tree Trimming Ordinance – CS/HB 1159
5. Posting Building Permit Fees to Website – CS/HB 127
6. Building Permits/Expired Permits – CS/CS/HB 447

CHIEF'S REPORT

Alsace Court Update

Chief Houston gave a brief update on several concerns about the beach and rope swing area at Alsace Court. The State informed her that the Belle Isle Police Department does not have jurisdiction to enforce the law in the rope swing and beach area. The surrounding area belongs to the State and considered submerged land. The State regulates both of these areas. She recommends all residents with concerns should contact the Florida Wildlife Commission to report the issue/violation.

MAYOR'S REPORT– No report.

CITY MANAGER'S REPORT

Issues Log update – No report.

COUNCIL REPORT – No report.

ADJOURNMENT

There being no further business Mayor Fouraker called for a motion to adjourn. The motion was passed unanimously at 10:00 p.m.

Yolanda Quiceno, CMC, City Clerk



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

Meeting Date: July 2, 2019

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Ordinance 19-03 - Proposed Changes for Lot Splits

Background: At the June 4, 2019 Council Meeting, the City Council read Ordinance 19-03 for the first time and discussed the changes to the ordinance which would prohibit lot splits that resulted in substandard lots. It also prohibits the variance process to be used to approve a substandard lots resulting from a lot split. Public comments were in support of this change at the first reading. At the June 18 Council Meeting, the City Staff presented a diagram to define the definitions of lot width and lot depth. There were no additional comments at the meeting or received by staff.

Staff Recommendation: Adopt Ordinance 19-03

Suggested Motion: I move that we adopt Ordinance #19-03.

Alternatives: Do not adopt the ordinance and provide further direction to the staff.

Fiscal Impact: New fee of \$300 deposit per lot split application.

Attachments: Ordinance 19-03

ORDINANCE NO. 19-03

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, RELATED TO LOT SPLITS AND LOT AGGREGATION; AMENDING SECTIONS 50-32, 50-33, 50-37, 54-2, AND 54-171 OF THE CITY LAND DEVELOPMENT CODE; PROHIBITING VARIANCES FOR LOT SPLITS RESULTING IN NON-CONFORMING LOTS; PROVIDING DEFINITIONS; PROVIDING FOR APPLICATION FEES; PROVIDING FOR TREATMENT OF APPLICATIONS RECEIVED PRIOR TO ENACTMENT OF ORDINANCE; PROVIDING FOR ADOPTION OF DIAGRAMS ILLUSTRATING HOW TO MEASURE LOT DIMENSIONS; AMENDING AND CLARIFYING THE AGGREGATION REQUIREMENTS FOR SUBSTANDARD LOTS OF RECORD; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Belle Isle hereby finds that it is in the best interests of the public welfare, health, and safety that the City's Land Development be amended as provided herein.

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

SECTION 2. City Code Amendment, Section 50-32. Section 50-32 of the City Code is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not referenced are not being modified):

Sec. 50-32. - Definitions.

The following terms, phrases, words, and their derivations shall have the meaning given in this section. Words used in the present tense include the future tense; words in the plural tense include the singular tense and vice versa. The word "shall" is considered mandatory, and the word "may" is considered permissive.

Director means a city employee designated by the city manager to process the preliminary application and plat reviews pursuant to the provision of this article.

Gross residential acre means an acre of land zoned and/or used for residential purposes, including but not limited to land which provides access or contributes to the amenities of residents of the subdivision such as streets, parks, and usable open spaces. Land devoted to nonresidential uses other than those listed above, including but not limited to environmentally sensitive lands, shall not be included as part of gross residential acreage.

Lot Depth means the distance measured along a straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line, or to the most distant point on the lot located on any other lot line if there is no rear lot line. In the event that the rear property line, or if there is no rear lot line then the most distant point on the lot located on any other line, is located fully or partially below the normal high water line of an abutting body of water, then lot depth shall be measured along a straight line drawn from the front property line and parallel to the side lot line(s) to the point on the normal high water line located closest to the front property line.

Lot split means the division of a lot or parcel that is not located within the boundaries of a planned unit development into no more than two parcels or lots and shall include any change in boundary lines between two parcels or lots.

Lot Width means the distance between the side lot lines, along a line drawn parallel to the front lot line at a distance from the front lot line equal to the minimum front yard setback.

Net residential acre means an acre of land zoned and/or used for residential purposes and which does not include areas such as streets, parks, environmentally sensitive lands, and usable open spaces. Land devoted to nonresidential uses shall not be included as part of net residential acreage.

Tract mean any land in a subdivision which is designated as, but not limited to, recreation areas, water detention facilities, landscape buffers or conservation areas, and not meant for use as a residential or commercial lot.

SECTION 3. City Code Amendment, Subsection 50-33(6). Subsection 50-33(6)b. of the City Code is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not referenced are not being modified):

(6) *Lot split.*

a. *Submission requirements.* The applicant shall submit a survey and legal description both certified by a registered state surveyor of the property as it is to be divided, payment as set forth in this Land Development Code or as otherwise prescribed by the City Council or City Manager, and proof of ownership acceptable to the city.

b. *Requirements.* With the prior approval of the city council, any lot or parcel not located within a planned unit development may be divided by lot split so long as the two resulting lots or parcels meet in every respect the Land Development Code's requirements for newly created lots or parcels. No lot or parcel nor any portion of any lot or parcel which has been created by a lot split shall be further divided by lot split. No variance will be given for any lot split that results in a lot or parcel that does not conform in every respect to the Land Development Code's requirements for newly created lots or parcels. For example, no variance will be given for any lot split that results in a substandard lot.

c. *Notice.* A notice of no further lot split shall be fully executed by the owner of the property submitted for lot split which notice must be approved by the city and such notice shall be recorded in the public records of the county prior to the issuance of any building permit for lots or parcels created by lot split. The form of the notice shall be in recordable form and in substance substantially in accordance be with the following: "The property described on the attached Exhibit 1 was the subject of a lot split within the City of Belle Isle, Florida, and no further division of all or any portion of the property described on the attached Exhibit 1 by the lot split procedure in the City of Belle Isle shall be allowed. Further subdivision by other methods may or may not be allowed."

SECTION 4. City Code Amendment, Subsection 50-37(a). Subsection 50-37(a) of the City Code is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not referenced are not being modified):

(a) *Variances*. The council may grant a variance from the terms of these regulations when such variance will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations would result in unnecessary hardship, provided that such variance does not result in any lot or parcel that does not conform in every respect to the Land Development Code's requirements for newly created lots or parcels. For example, no variance will be given for any lot split that results in a substandard lot or lots. Such variance shall not be granted if it has the effect of nullifying the intent and purpose of these regulations. Furthermore, such variance shall not be granted by council unless and until:

(1) A written application for a variance is submitted showing:

a. That special conditions and circumstances exist which are peculiar to the land, structures, or required subdivision improvements involved and which are not applicable to other lands, structures or required subdivision improvements.

b. That literal interpretation of the provisions of these regulations would deprive the applicant of a right commonly enjoyed by other properties with similar conditions.

c. That the special conditions and circumstances do not result from the actions of the applicant.

d. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by these regulation to other lands, structures or required subdivision improvements under similar conditions. No preexisting conditions on neighboring lands which are contrary to these regulations shall be considered grounds for issuance of a variance.

(2) The council shall make findings that the requirements of this subsection have been met.

(3) A public hearing of the proposed variance shall be held. The public hearing may be held prior to or simultaneously with the public hearing for approval of the preliminary plat.

(4) The council shall further make a finding that the reasons set forth in the application justify the granting of the variance that would make possible the reasonable use of the land builds, or other improvements.

(5) In granting any variance the council may prescribe appropriate conditions and safeguards in conformity with these regulations. Violation of such conditions and safeguards when made a part of the terms under which the variance is granted shall be deemed a violation of these regulations.

SECTION 5. City Code Amendment, Subsection 54-2(a). Subsection 54-2(a) of the City Code is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not referenced are not being modified):

(a) When two or more adjoining vacant lots with continuous frontage ~~were~~are under single ownership on or after October 7, 1957, and one or more of such adjoining lots have a width or lot area less than is required by the dwelling district in which they are located, such substandard lot or lots shall be aggregated so as to create one or more lots, each of which shall conform to the minimum width and area requirements in effect at the time of aggregation ~~of~~ for the district in which they are located, and the substandard lot or lots so aggregated shall be considered one tract.

SECTION 6. City Code Amendment, Subsection 54-171. Section 54-171 of the City Code is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not referenced are not being modified):

Sec. 54-171. - Deposit.

(a) Each applicant for a formal subdivision, nonresidential site plan and/or a planned development shall submit a \$5,000.00 deposit payable to the city by money order or cashier's check drawn on a financial institution authorized to do business in the county at the time of submission. Each applicant for an informal subdivision shall submit a \$1,000.00 deposit payable to the city by money order or cashier's check drawn on a financial institution authorized to do business in the county at the time of submission. Each proposed subdivision, nonresidential site plan, and/or planned development, hereinafter shall be individually and collectively referred to as "project." No review of any project by the city or the city's employees, agents, contractors or consultants, shall commence until: (i) the deposit has been received by the city, and (ii) a written authorization for the city to proceed with review and a written agreement to pay all costs, expenses and fees have been executed and delivered by the property owner and/or applicant to the city.

(b) Costs, expenses, and fees incurred by the city may be deducted from the deposit as provided in section 54-173. The amount of the deposit remaining after costs, expenses and fees due the city have been deducted, If any, shall be returned to the applicant within 30 days of withdrawal of the project or within 30 days of final approval of the subdivision plat or lot split or within 30 days of a certificate of occupancy being issued for a nonresidential site development or planned development, as applicable.

(c) An applicant for a lot split under Section 50-33(6) shall submit a non-refundable fee of \$300.00, and the City shall not review, process, or act upon a lot split application until such fee is received.

SECTION 7. Pending Applications. All complete lot split applications received by the City prior to the effective date of this Ordinance shall be governed by the City Code provisions in effect at the time of receipt of such application.

SECTION 8. Diagrams. The City Council, City Manager, and/or the City Manager's designee shall have the authority to adopt diagrams illustrating how to measure lot width, lot depth, and other matters related to lot dimensions. The relevant City Code provisions shall be interpreted in accordance with such diagrams.

SECTION 9. Codification. This Ordinance shall be incorporated into the Belle Isle Land Development 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 and the City Code may be freely made.

SECTION 10. 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 11. 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 12. Effective date. This ordinance shall become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.

FIRST READING: _____, 2019

SECOND READING: _____, 2019

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

ADOPTED this ____ day of _____, 2019, by the City Council of the City of Belle Isle, Florida.

CITY OF BELLE ISLE

Nicholas Fouraker, Mayor

ATTEST:

Yolanda Quiceno, City Clerk

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

Meeting Date: July 2, 2019

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Consideration of Parking Changes

Background: The City Council reviewed the proposed parking changes at the June 4 meeting at the June 18 meeting. The Council discussed minor changes to the ordinance for recreational vehicle parking to remove the word “electric” and to correct typographical errors including the Mayor’s name. Council also discussed comments on residential parking districts submitted by a resident. No other comments were received by City Staff.

Staff Recommendation: Adopt Ordinance 19-04.

Suggested Motion: I move that we adopt Ordinance 19-04.

Alternatives: Suggest other changes

Fiscal Impact: Depending on the any adjustment of the fines.

Attachments: Ordinance 19-04

ORDINANCE NO. 19-04

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA AMENDING CHAPTER 30 OF THE CITY CODE PERTAINING TO PARKING REGULATIONS; PROVIDING FOR DEFINITIONS, PARKING OF MOTOR VEHICLES, ISSUANCE OF CITATIONS, FINES, HEARINGS, APPEALS, PARKING ON THE PARKING STRIP, OCCUPANCY AND RENTAL OF VEHICLES, STANDARDS FOR DESIGNATED PARKING AREAS, FRONT YARD PARKING, PARKING SURFACE REQUIREMENTS, AND OTHER MATTERS RELATED TO VEHICLE PARKING WITHIN THE CITY; PROVIDING FOR CREATION OF RESIDENTIAL PARKING DISTRICTS, PROCESS FOR APPLICATION FOR AND CREATION OF SUCH, PERMITTING IN RESIDENTIAL PARKING DISTRICTS, PENALTIES, AND OTHER MATTERS RELATED THERETO; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Belle Isle, Florida, finds that it is in the interests of the health, safety, and welfare of the residents of Belle Isle and the general public that Chapter 30 of the City Code be amended to strengthen and modify the City's regulations pertaining to the parking of vehicles within the City.

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

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

SECTION 2. City Code Amendment. Sections 30-1, 30-73, 30-74, 30-76, 30-102, 30-104, 30-132, and 30-133 of the City Code are hereby amended, and new sections 30-83 and 30-84 are hereby created, all as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not referenced are not being modified).

Sec. 30-1. – Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the indicated meanings:

Abandoned vehicle means any vehicle, as defined in this section, which is in a wrecked or junked condition having no value, other than nominal salvage value, if any, which has been left abandoned and unprotected from the elements, and which has been left unattended, without the permission of the property owner, upon whose property such vehicle is located for more than 72 hours unless such vehicle is designated as not abandoned by the enforcement officer. Evidence of an abandoned vehicle may include, but is not limited to, factors such as: vehicle being inoperative as evidenced by vegetation underneath as high as the vehicle body or frame, having refuse or debris collected underneath or the vehicle being used solely for storage purposes, or having one or more flat tires for more than three days in succession; or incapable of functioning as a motor vehicle in its present state.

Box truck means a truck with a box-like cargo area that sits on the frame of the vehicle.

Bus means a motor vehicle designed or constructed to carry more than 15 persons plus the driver.

Carport means an open-sided structure which is used primarily for the parking of vehicles which belong to the occupants of the principal building.

Commercial vehicle means any vehicle designed, equipped or used for trade meeting any of the following criteria:

- (1) Total signage in or on the vehicle exceeding four square feet in area; signage that shall be included in any measurement of the maximum area allowed shall include bumper stickers, magnetic signs, painted signs and flags. Signage that is affixed to the vehicle by the manufacturer or automotive dealer and which identifies the make, model, or dealer of the automobile shall not be included in the measurement;
- (2) Equipped with external modifications designed to be used in trade including, but not limited to, externally mounted tools, machinery, equipment, tool or equipment racks, and modifications used for the purpose of lifting objects or persons above the height of the vehicles;
- (3) Flatbed trucks, box trucks, and dump trucks;
- (4) Equipped to tow or transport other vehicles for hire;
- (5) Having a length greater than 21 feet;
- (6) Having a height greater than ten feet;
- (7) A vehicle that is marked as and used for the purpose of transporting of passengers for hire such as taxicabs, shuttle vans, and limousines. This definition would also apply to private vehicles for hire such as Uber, Lyft and other similar companies that hire private vehicles for transporting passengers;
- (8) Vehicles that are parked in a commercial parking lot or vehicles that pay a fee to park; or
- (9) Having a gross vehicle weight (GVW) of more than 10,000 pounds.

Construction equipment means heavy construction equipment commonly used in the construction industry for earth moving, highway construction or building construction. By way of example, and not by way of limitation, the term "construction equipment" includes bulldozers, front end loaders, backhoes, graders, power shovels, scrapers, cranes, compactors and trailers designed for the transportation of such equipment.

Emergency vehicle means, by way of example and not by way of limitation, fire department vehicles, police and sheriff vehicles, and other state, county, city and public service corporation vehicles when used to protect people or property that is in imminent physical danger.

Enforcement officer means the city manager or any other person appointed by the city to enforce this chapter.

Front Yard means the area extending across the front of a lot between the side lot lines and being a minimum horizontal distance between the street line and the principal building.

Garage means an accessory building or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building.

Junked vehicle means any vehicle, as defined by this section, which is wrecked, dismantled or partially dismantled, in derelict condition, inoperative, regardless of whether or not the same has lawfully affixed thereto an unexpired license plate or a current motor vehicle safety inspection certificate. Evidence of a junked vehicle may include, but is not limited to, factors such as: vehicle being inoperative as evidenced by vegetation underneath as high as the vehicle body or frame, having refuse or debris collected underneath or the vehicle being used solely for storage purposes, or having one or more flat tires for more than three days in succession; or incapable of functioning as a motor vehicle in its present state.

Motor home means a self-propelled vehicle which is designed or constructed primarily for temporary human habitation in conjunction with recreational, camping or travel use.

Motor vehicle means any vehicle which is self-propelled and/or designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, mopeds, buggies, trucks, tractors, go-carts, golf carts, utility trailers, campers, all-terrain vehicles and trailers. However, for the purposes of division 2 of article III only, the term "motor vehicle" also means any vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Official traffic control device means any sign, signal, marking or device, not inconsistent with this article, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

Owner means any person or other entity in whose name the legal title of the vehicle or equipment is registered, or if the vehicle or equipment is the subject of a lease or conditional sales agreement. The lessee or person or other entity with the right of purchase upon performance of the condition stated in the agreement and with the immediate right of possession.

Park or *parking* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers as may be permitted by law under this article.

Parking Strip means that portion of the City Right-of-Way (ROW) located between the curb (or edge of pavement) and sidewalk (or if no sidewalk then the property line).

Pickup camper or coach means a device which is designed or constructed to be mounted on an automobile to allow for temporary human habitation generally in conjunction with recreational, camping or travel use.

Private property means any real property within the city which is privately owned and which is not public property as defined in this section.

Public property means any street, highway, land and improvements owned by the city and includes buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, rights-of-way and other similar publicly owned facility or property.

Public service vehicle means, by way of example and not by way of limitation, garbage trucks used to service the citizens of the city and school buses.

Recreational equipment means and includes, but is not limited to, boats, boat trailers and recreational vehicles.

Recreational vehicle means any vehicle which is designed or constructed primarily for temporary human habitation in conjunction with camping, traveling and other recreational activities. By way of example and not by way of limitation, recreational vehicle includes travel trailer, truck camper, motor home, pickup camper or coach (designed to be mounted on automobile or trucks), private motor coach, and cases or boxes which are designed to be used for transporting recreational equipment. A standard van or SUV that has been commercially converted for use as a camper, also referred to as a Class B motor home or conversion vehicle, shall not be considered a recreational vehicle for the purposes of this chapter, so long as the overall length does not exceed 20 feet and the overall height does not exceed nine feet.

Residential district means any single-family residential, two-family residential or multiple-family residential district as defined and delineated in the zoning ordinance and maps of the city.

Residential parking district means a distinct geographical zone established by the City Council in a residential area in accordance with Section 30-84 of the City Code within which certain regulations apply with respect to parking on public streets.

Semitrailer means any vehicle, including, but not limited to, those engaged in construction, lawn maintenance and/or landscaping without motive power designed to be coupled to or drawn by a motor vehicle and designed or constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

Severely rusted vehicle means any vehicle which is rusted on at least 50 percent of its body exterior, excluding its windows, windshield, and underside.

Stand or *standing* means the halting of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of, and while actually engaged in, receiving or discharging passengers, as may be permitted by law under this article.

Standard cover means a nontransparent cover which is designed, manufactured and intended to be used exclusively for the purpose of fitting over the type of vehicle in question.

Stop or *stopping* means any prohibited halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a law enforcement officer or official traffic control device.

Tractor-trailer means a combination trucking unit consisting of a tractor hooked up to a full trailer or a semitrailer.

Trailer means any vehicle, including, but not limited to, those engaged in construction, lawn maintenance and/or landscaping in excess of 15 feet in length, without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that no part of its weight or that of its load rests upon the towing vehicle.

Travel trailer means a vehicle mounted on wheels which is designed or constructed to be towed and which is designed or constructed primarily for temporary human habitation in conjunction with recreational camping or travel use.

Truck camper means a truck equipped with a device designed or constructed to be loaded onto or affixed to the bed or chassis of the truck and which device is designed or constructed primarily for temporary human habitation in conjunction with recreational, camping or travel use.

Utility trailer means any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and not a recreational vehicle.

Vehicle means any motor vehicle, recreational vehicle, or watercraft, as defined in this section.

Watercraft means any vessel which is used or capable of being used as a means of transportation on water, including but not limited to motorboats (inboard and outboard), personal watercraft (such as jet skis), airboats, sailboats, canoes, and catamarans.

Wrecked vehicle means any vehicle, as defined in this section, which has unrepaired damage over at least ten percent of the vehicle body; has missing or broken body parts which are material parts, such as lights, bumpers, fenders, panels, glass; has parts that are attached to the vehicle or covered with tape; has exposed a primer coat or coat of paint other than a final coat; is severely rusted; or which has been smashed, destroyed, disabled, burned, or seriously damaged such that it is inoperable or incapable of being safely moved under its own power.

Sec. 30-73. - Parking of motor vehicles on residential property.

(a) Any motor vehicle when parked on residential property shall be parked on the driveway or on a solid surface specifically prepared for parking, pursuant to the requirements for such a surface as described in subsection 30-133(d-g). No motor vehicle shall be permitted to be parked on the right-of-way between the edge of the street and private property lines within residential areas.

(b) The parking of any vehicle on or over any sidewalk adjacent to any residential lot is prohibited.

~~(c) The maximum number of motor vehicles kept outside of the garage of any residential dwelling shall be limited, as follows:~~

~~(1) A maximum of four motor vehicles may be kept on the property of a residential dwelling having two bedrooms.~~

~~(2) A maximum of five motor vehicles may be kept on the property of a residential dwelling having three bedrooms.~~

~~(3) A maximum of six motor vehicles may be kept on the property of a residential dwelling having four or more bedrooms.~~

~~(d) The number of bedrooms in a dwelling unit shall be determined by the property information published by the Orange County property appraiser's office.~~

~~(e) The city council shall have the power to grant a special exception allowing additional parking of motor vehicles on a particular parcel provided that the parcel exceeds 0.75 acres in size and provided further that the location of all parking shall be at least 100 feet from any public road.~~

~~(c)~~(c) The city manager shall, in his discretion, have the right to issue a waiver of the enforcement of this section for a period not to exceed 24 hours for good cause shown by the property owner, such good cause to include, by way of example and not by way of limitation, special gatherings such as parties, meetings, etc.

(d) For residences with a valid building permit, this section shall not apply to contractors working at the residence.

(e) No motor vehicles, recreational vehicles, watercraft or utility trailers shall be parked or stored on any vacant property in the City.

Sec. 30-74. - Issuance of citation; schedule of fines.

(a) When any vehicle is left parked, stopped or standing in violation of any statute of the state or county ordinance or ordinance of the city on any public property, the enforcement officer is authorized to issue a civil citation to any occupants of the vehicle or by attaching the citation or a copy thereof to the vehicle itself.

~~(b) The amount of such civil penalty shall be as follows:~~

~~(1) One hundred fifty dollars for each violation of any offense, except for the offense listed in subsection (b)(2) of this section;~~

~~(2) Two hundred fifty dollars for each offense relating to unlawful parking in handicapped designated spaces.~~

(b) The amounts and classes of such civil penalty(ies) shall be set and may be amended by resolution of the City Council, including but not limited to adoption of a schedule of fines..

~~(e) This schedule of fines may be periodically amended by ordinance of the city.~~

Sec. 30-76. - Fines and hearings.

(a) *Payment of fines; issuance of receipts.* The city manager shall accept payment of civil penalties for parking violations and issue receipts therefor.

(b) *Hearing request by person cited.* Any person summoned by a parking violation citation, upon the payment of a fee of ~~\$150.00~~ \$50.00 in cash, money order or cashier's check, may within five working days after issuance of the citation file with the city manager a written request for a hearing ~~before the city council~~ with the City Manager. Such hearing shall be set for no later than 60 days after the filing of such request. The person summoned by the parking violation citation shall be given at least five working days' written notice of the time and place of such hearing, at which the person cited shall have the opportunity to present evidence and be represented by legal counsel. At the completion of the hearing, the ~~city council~~ City Manager shall decide whether or not the citation was justified and whether or not the fine should be imposed/upheld. In the event the ~~city council~~ City Manager overturns the parking violation, the fee of ~~\$150.00~~ \$50.00 shall be

refunded to the person that paid such fee within five working days of the City Manager's decision, unless the decision of the City Manager is appealed to the City Council.

(c) *Appeal of City Manager Decision:* Any person who received a parking citation may appeal the decision of the City Manager to the City Council. If appealed to the City Council, the payment stated in (b) above will not be refunded to the person. The person may within five working days after issuance of the denial by the City Manager file a written request for a hearing before the City Council. Such hearing shall be set at a regular or special meeting to be held not later than 60 days after the filing of such request. The person summoned by the parking violation citation shall be given at least five working days' written notice of the time and place of such hearing. At the completion of the hearing, the city council shall decide whether or not the citation was justified and whether or not the fine should be imposed/upheld. In the event the city council overturns the parking violation, the fee of \$50.00 shall be refunded to the person that paid such fee within five working days of the City Council's decision.

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

~~(d)~~(e) *Summons for failure to respond, charges.* If a response is not made within the time period specified in the notice of summons, a summons for failure to respond will be issue to the registered owner of the motor vehicle commanding an appearance before a hearing officer. In addition to all other costs, fines and administrative fees assessed by the county, a service of process charge in the amount allowed by state statute will be assessed by the city manager for each summons issued.

~~(e)~~(f) *Hearing on charge of failure to comply.* After issuance of summons, a hearing on the charge of failure to comply shall be scheduled and such charge prosecuted by the city attorney in the county court.

~~(f)~~(g) *Waiver of rights to contest citation.* Any person who fails to respond to the original parking violation citation within the time period specified on such citation shall be deemed to have waived the right to contest the merits of such parking violation.

Sec. 30-83. - Parking of motor vehicles on Parking Strip.

(a) The vehicle may have at most its passenger-side wheels on the parking strip when parking.

(b) There shall be no parking in or upon the parking strip on major collector roads.

(c) Official government vehicles and public utility vehicles on service calls are exempt from this section. Official government vehicles include any contractor hired by the City or other governing agency.

Section 30-84 Residential Parking Districts

(a) Establishing the District. The City Council has the authority, on its own motion or upon approval of a petition from a majority of the residents of the district or proposed district, to adopt a resolution designating, repealing, setting the geographical boundaries of, and/or revising residential parking districts, and to establish the parking restrictions for public roads that shall apply within such districts. Such restrictions may include but are not limited to the days, hours, and circumstances under which parking is allowed upon public roads, and exemptions thereto.

(b) Designation Criteria and Requirements.

(1) A residential parking district may be designated if the following criteria and requirements are satisfied:

(i) All of the property in the proposed district not owned by or dedicated to the City is zoned R-1, R-1-A, R-1-AA, R-1-AAA, R-2, or R-3; and

(ii) The City will measure the streets in the proposed district to determine the number of parking spaces on the streets. For the purpose of this evaluation, a legal parking space is twenty (20) linear feet.

(iii) During the proposed hours of restricted parking, the number of vehicles of non-residents of the district parked legally or illegally on a street in the district is equal to thirty percent (30%) or more of the legal on-street parking capacity of the street. The percentage of non-resident parking is determined by averaging the results of at least two surveys conducted on different days and at different times of the day but within the proposed hours of restricted parking.

(iv) The City Council determines in its sole discretion that establishment of the proposed residential parking district will serve the public health, safety, and welfare based on consideration of the following factors: 1) the need to reduce or prevent cluttering of city streets caused by parking; 2) the particular characteristics of the neighborhood(s) contained in the proposed residential parking district; 3) safety concerns including but not limited to access by emergency vehicles; 4) aesthetic concerns; 5) convenience to residents of the district and/or outside the district; and 6) other issues bearing upon the public health, safety, and welfare.

(2) The survey referenced in this subsection (b) may be conducted by the proponents of the district, or by a person designated by the City Manager, provided that the City shall not be required to accept the results of any survey conducted by the proponents of the district where the City Manager or City Council determine that such survey is unreliable, inaccurate, or otherwise unacceptable for any reason.

(3) The proposed hours of restricted parking cannot be any greater than the most restrictive hours of restricted parking in any adjacent residential parking district

(c) Public Hearing. The City Council shall hold a public hearing on any proposed designation, revision, or repeal of a residential parking district. The public hearing shall be held only after the City Manager has determined that the proposed district could satisfy the criteria for designation and notice has been sent to the residents in the proposed district and within two hundred feet (200 ft.) of the proposed district. Once the district is approved, the City Manager is responsible for administration of the district and permits in accordance with the Council's

approval of the district and any other directions by the City Council. No person shall have any right to the creation, designation, continuation, revision, or repeal of any residential parking district, and any action by the City regarding such shall not be subject to appeal or challenge.

(d) *Parking Restriction in Residential Parking Districts.*

(1) The parking restrictions for each residential parking district will be established by resolution of the City Council, subject to the requirements of this Section.

(2) The permits are valid only during the hours of restricted parking. The specific hours will be set in the resolution establishing the residential parking district.

(3) It is unlawful for any person to park any motor vehicle or trailer or allow any motor vehicle or trailer to be parked on any public street in a residential parking district for more than the time allowed by or otherwise in violation of the parking restrictions established for that district or street, unless the motor vehicle is displaying a valid residential parking permit, temporary parking district permit, or visitor pass for that parking district.

(4) Residential parking permit holders must comply with all other parking regulations in effect.

(e) *Residency Required for a Permit.* Residential parking district permits shall only be issued to residents of the parking district. For purposes of this Section, a resident is a licensed driver who resides in a dwelling unit approved for residential occupancy and who is the owner of or a tenant in the dwelling unit or who can demonstrate by some other means the right of occupancy.

(f) *Permit Application.*

(1) Only a resident of a residential parking district may apply for a residential parking district permit. The application shall be submitted to City Hall on forms approved by the City Manager, or City Manager's designee. The application for a permit shall contain information to verify that the applicant is a resident of the district for which the application has been made. The information must include:

1. Applicant's name, address, operator permit (driver's license) number, and date of issue.

2. Vehicle owner name, address, vehicle registration certificate number, and date of issue.

3. The make, model, color, state of registration, and license number of the vehicle(s) to be registered.

4. Proof of residency if the address or the operator permit or vehicle registration is not in the residential parking district for which the application is made.

5. Any other information required by the City Manager to determine if a residential parking permit should be issued.

(2) A parking permit will not be issued for any motor vehicle for which one or more unpaid parking tickets or citations have been issued by the Belle Isle Police Department for

parking or traffic violations. The permit shall be issued when the applicant meets the requirements specified in this and any other applicable section of the City Code and has paid the required fee.

(3) Upon approval of a permit application, a residential parking district permit will be issued to the approved resident(s) for all of the residents' vehicles.

(4) In addition to the residential parking permit, each dwelling unit in a residential parking district with an approved application shall receive three (3) short-term visitor passes.

(g) Temporary Permits; Hardship Permits.

(1) Temporary Parking District Permits. Temporary parking district permits are available for specific functions, including parties, graduations, weddings, and other appropriate events as determined by the City Manager or City Manager's designee. An application for temporary permits shall be made by the resident of the district on a City application form approved by the City Manager or City Manager's designee. Temporary parking permits may be issued for 24 hours or other period of time up to seven (7) days, as determined by the City Manager.

(2) Hardship Permits. When the designation of a residential parking district adversely impacts another City resident because their residence is not situated within the residential parking district and because they do not have on-street or off-street parking, such adversely impacted resident may petition the City Manager for a residential parking district permit.

(i) In order to approve a permit under this subsection (2), the City Manager must find that all of the following have been met:

a. That the applicant is a resident as defined in this section;

b. That a portion of the property upon which the applicant's residence is located is within one hundred (100) feet of the residential parking district;

c. That the property upon which the applicant's residence is located does not abut a street where on-street parking is allowed;

d. That there is little or no off-street parking and there is no ability to readily develop the property to provide for legal off-street parking, as determined by the City Manager.

(ii) The City Manager shall make a decision on the application within thirty (30) days of submission. An applicant whose application has been approved by the City Manager shall be considered a resident of the residential parking district for purposes of permitting under this section.

(h) Permit Fee and Term.

(1) Permit fees for residential parking district permits are established by resolution of the City Council. The fee is payable at the time of application. The fee is charged to cover the cost of printing the permit and administering the program.

(2) The permit term for each residential parking district is set forth in the resolution establishing the residential parking district.

(3) Residential parking permits may be renewed by residents upon presentation of the expired permit and payment of the fee on or before the expiration of the permit term.

(4) If application is made after the mid-point of the term of a parking permit, the fee will be one half (1/2) of the established fee.

(i) *Display of Permits.* Residential parking district permits must be displayed and visible on the driver's side rear window of the vehicle. Short-term visitor passes and temporary passes must be displayed and visible on the driver's side dash of the vehicle.

(j) *Expiration of Permits.*

(1) A permit expires and is void at the end of the permit term if not renewed within 7 days of the end of the term.

(2) A permit expires and is void when the owner or user of a permitted vehicle no longer resides within the district or when the vehicle for which the permit is issued is sold, transferred, demolished or otherwise no longer used by the resident to whom the permit was issued, unless transferred in accordance with the following section.

(3) Expired permit stickers must be removed from the vehicle upon permit expiration and expired short term visitor passes and temporary permits must be returned to City Administration.

(k) *Permit Transfers and Replacement.*

(1) A permit may be transferred to a new vehicle when the vehicle for which the permit was originally issued is sold, transferred, demolished, or in any other manner rendered unusable to the resident. The permittee shall notify the City of a change in status of the motor vehicle and complete an application for the new vehicle.

(2) A replacement permit may be obtained when a permit is lost or stolen. The application for a replacement permit shall be the same as the application for an original permit.

(3) A permit may not be transferred or replaced for any vehicle for which one or more parking tickets or traffic citations have been issued and are unpaid.

(l) *Penalties.*

(1) Violation of any provision of this policy is a parking violation. Each time a permit is used in violation of this chapter is considered a separate offense.

(2) If the registered owner of the permit does not make payment within ten (10) days of the violation, the permit will be void and a new permit will not be issued for the vehicle until the fine is paid in full.

(3) Fines will be set by a resolution of the City Council.

(m) City personnel under the direction of the City Manager are authorized to create, erect, and install any signage or other facilities as necessary or advisable to inform the public of the parking restrictions within a residential parking district.

Sec. 30-102. - Regulation of parking and storing.

(a) Except as provided in subsection (c), no person or other entity shall park or store or permit the parking and storing of any commercial vehicle or construction equipment upon any public property located in the city, including, but not limited to, public streets, roads, highways, boat ramp areas, swales, rights-of-way, sidewalks, parks, playgrounds, green space areas, public and private drainage/retention areas and other utility areas, and planting areas between sidewalks and curbs. Under this section, the term "public" includes, but is not limited to, the state, county, city, homeowners' associations, condominium associations and the community.

(b) Except as provided in ~~subsection (e)~~this section, no person or other entity shall park or store, or permit the parking or storing of any commercial vehicle or construction equipment on private property in a residential district other than in an enclosed building.

(c) Subsections (a) and (b) shall not apply to any owner, operator or person in charge of such commercial motor vehicle or construction equipment when making deliveries or performing labor or services during such time as such labor or services are being performed; nor shall they apply to a public utility (including electric power, gas, water, sewer, telephone and cable television) repair vehicle, that is kept by an employee of such utility for emergency purposes.

(d) Any motor vehicle when parked on commercial property shall be parked on a solid surface specifically prepared for parking, pursuant to the requirements for such a surface as described in subsection 50-72 (d).

(e) No tractor-trailer, construction vehicle, or other commercial vehicle parked within 100 feet of the residential property shall have its engine, motor, generator, or other externally audible equipment running between the hours of 10:00 p.m. and 6:00 a.m. except when the vehicle is being moved into or out of the parking area.

(f) Subsections (a) and (b) shall not apply to employees of a company that needs to respond to emergencies (electrician, plumber, tow truck) provided that the commercial vehicle is parked fully in the driveway and does not block the sidewalk or create other obstructions parked at the residence; however, prior authorization must be obtained from the City Manager or City Manager's designee.

Sec. 30-104. - Procedure.

(a) *Issuance of citation.* When any commercial vehicle is stored or parked in violation of this division, the enforcement officer is authorized to issue a civil citation by personally delivering it to any occupant of the commercial vehicle or by attaching the citation or a copy thereof to the commercial vehicle. With respect to a violation of section 30-102(d), the enforcement officer is authorized to also issue a civil citation to the owner of the property upon which the offending vehicle is parked.

(b) *Payment of fines; issuance of receipts.* The city clerk or the city clerk's designee shall accept payment of civil penalties for the violation of this division and shall issue receipts therefor.

(c) *Hearing and Appeal request procedure.* Any person cited under this division may challenge such citation in accordance with Subsections 30-76(b)-(c) of this Code, subject to all

~~requirements thereunder, within five working days after issuance of the citation, request an appeal in writing before the city council. Such appeal shall be set at a regular or special meeting to be held no later than 60 days after the filing of such request. The person cited shall be given written notice of the appeal. Such appeal will be noticed for date, time and place at least five working days prior to the actual appeal. At the completion of the appeal, the city council shall decide whether or not the citation was justified and whether or not the fine should be imposed. Any fine sustained, in whole or in part, by the city council must be paid within five working days after the date of the appeal at which the fine was sustained. Such appeal hearing requires a fee of \$35.00 to cover administrative costs of the hearing. Should the council overturn the citation, such fee will be refunded. However, should the council uphold the citation, the original fine will stand, in addition to the administrative fee.~~

(d) *Delinquent fee, notice of summons for failure to respond.* If any person cited under this division fails to pay the required fine within five working days after the date of issuance of the citation, or five working days after the date of the appeal hearing, provided that the appeal is timely requested; the city clerk shall assess a delinquent fee of \$10.00 per day against the registered owner of the commercial vehicle for each working day that the fine remains delinquent until the fine and all other fees and costs due under this division are paid in full. In addition to assessment of delinquent fees, the city clerk shall send a notice of summons by certified mail to the registered owner of the commercial vehicle, informing such owner of the citation of the owner's failure to comply with the citation, and shall assess the owner costs in the amount of \$25.00 for the sending of the notice. The notice shall direct the owner to pay the fine and all other fees and costs due under this division within ten days of the date of the notice. The notice shall inform the owner that, if payment is not made within the ten-day period, the owner will be charged with violation of this division and a summons will be issued commanding the owner to appear before the county court to answer and defend against those charges.

(e) *Summons for failure to respond, charges.* If a payment is not made within the time period specified in the notice of summons, a summons will issue commanding an appearance before a judge of the county court and a service of process charge of \$25.00 per summons shall be assessed.

(f) *Waiver of right to contest citation.* Any person who fails to respond to a citation issued under this division within the time specified on such citation and in the manner provided in this section shall be deemed to have waived the right to contest the merits of such citation.

Sec. 30-132. - Regulation of parking and storing.

(a) It shall be unlawful for any person or other entity to park or store recreational vehicles, watercraft or utility trailers upon any public property located in the city, including, but not limited to, public: streets, roads, highways, boat ramp areas, swales, rights-of-way, sidewalks, parks, playgrounds, green-space areas, public and private drainage/retention areas and other utility areas and planting areas between sidewalks and curbs unless expressly allowed as indicated by signage erected by the city. Under this section, the term "public" includes, but is not limited to, the state, county or city.

(b) Except as provided by section 30-133, it shall be unlawful for any person to park or store recreational units on private property in any residential district except temporarily while actually engaged in loading or unloading persons or property for a time period not to exceed 48 hours and only with a temporary parking permit issued by the city manager.

(c) No recreational vehicles or watercraft parked in any residential district within 50 feet of another residence shall have its engine, motor, generator or other externally audible equipment running between the hours of 10:00 p.m. and 6:00 a.m.

(d) No vehicle shall be occupied for permanent living purposes, nor connected to public utilities (sewer or water) while stored at a residence, except that if the owner of the property has a valid building permit for extensive remodeling or renovation of the residence and the residence cannot be inhabited due to such remodeling or renovation, then the property owner may use a recreational vehicle for a temporary dwelling until the remodeling or renovation is complete. The resident must provide the City with a valid building permit.

(e) No vehicle shall be used as a short-term rental.

Sec. 30-133. - Parking of watercraft, recreational vehicles, ~~and~~ utility trailers in residential areas, front yard parking, and parking surfaces.

(a) *Purpose.* The purpose of this section is to provide for public safety and general welfare of the city in preserving its residential character, by limiting and restricting the parking and storage of watercraft, recreational vehicles and utility trailers within the residential districts of the city.

(b) *Parking and storing in residential districts generally.* Unless completely housed in a garage or other suitable structure, all watercraft, recreational vehicles and utility trailers parked, stored or kept in any residential district shall be parked, stored or kept in the side yard or rear yard where accessible by alley, public or private road, or other legally permissible means.

(c) *Front yard regulations.* Only one watercraft unit or watercraft trailer shall be parked, stored, or kept in the front yard of the property and shall be subject to the following restrictions:

(1) No watercraft exceeding 25 feet in length or ten and one-half feet in height shall be permitted in the front yard.

(2) No watercraft shall be permitted in the front yard unless placed upon a watercraft trailer.

(3) The watercraft unit or trailer shall be parked on a prepared surface meeting the following criteria:

a. Surface constructed of concrete pavers, asphalt, gravel or mulch;

b. Located so that its longest edge is contiguous to the existing driveway unless the prepared surface is a covered carport;

c. Front edge of the prepared surface is not less than five feet from the paved sidewalk and not less than ten feet from the roadway pavement; and

d. When parked on the prepared surface, no part of the recreational unit, including, if applicable, a trailer hitch or outboard motor may extend closer than five feet to a paved sidewalk and not closer than ten feet to a roadway pavement.

(4) No recreational vehicle or utility trailer shall be parked, stored or kept in the front yard of the property, or on any vacant or undeveloped property.

(d) *Criteria for prepared surface.* The following criteria must be met for approval of the prepared surface:

(1) The location of the surface must be adjacent to the existing driveway or placed in line with either outside edge of the existing structure.

(2) The surface must be placed such that the vehicle, when parked, is perpendicular to the existing structure.

(3) The front edge of the surface must be not less than five feet from the front property line.

~~(4) Accepted prepared surface materials are: concrete, asphalt or concrete pavers. The prepared surface should cover the entire area under the vehicle.~~

(e) Any vehicle parked in a front yard must be parked:

(1) Completely on an approved prepared surface as described in this section.

(2) At least three feet from any existing sidewalk

(3) At least three feet from any side lot line

(4) At least three feet from a non-sidewalk curb or roadway if no curb.

(f) General standards for designated parking areas:

(1) All areas designated as parking or driveway shall be constructed of the following materials: asphalt, concrete, pavers, 4" gravel or crushed rock, mulch, or other material approved by the City Manager or City Manager designee.

(2) All areas designated as parking or driveway shall be completely contained within a permanent border.

(3) The borders of any prepared parking surface constructed of gravel, crushed rock, mulch, or any other loose material approved by the City Manager or City Manager designee, shall be delineated with anchored man-made or natural landscape edging materials such that the parking area is clearly defined and the loose material contained so to prevent spreading and deterioration of the parking area.

(4) The parking area must be accessible from the driveway and curb cut, if there is a curb. The parking space shall not be accessed by driving over the curb and/or sidewalk.

(5) If in an area with an HOA (whether voluntary or mandatory), the HOA needs to approve the application.

(6) All improved parking surfaces shall be maintained in good and safe condition and be free of holes, cracks or other failures that may affect the use, safety, appearance or drainage of the surface or of an adjoining property. Final determination of a parking surface's condition shall be at the discretion of the City Manager or the City Manager's designee.

(g) Permit Needed:

(1) A permit is required for all front lawn parking

(2) Permit must be signed by the property owner. Tenants are not allowed to sign a permit on behalf of the property owner.

(3) The City Manager or City Manager designee will administer the permit process.

(4) If part of an HOA, if the HOA does not allow front yard parking, then the application will be denied.

(5) In granting or denying a permit for front lawn parking, the City Manager or City Manager's designee shall consider the following criteria: 1) the number and type of the vehicles proposed to be parked; 2) the duration of the proposed parking; 3) the particular characteristics of the property, the surrounding properties, and the neighborhood; 4) aesthetic and safety concerns; 5) other matters bearing upon the welfare, health, and safety of the surrounding residents and general public.

(h) *Parking on public road right-of-way.* No watercraft, recreational vehicle or utility trailer shall be permitted to be parked in the public road right-of-way unless it is attached to a motor vehicle, or in the case of recreational vehicles it is capable of self-propulsion; and in no event shall any watercraft, recreational vehicle or utility trailer be permitted to be parked in the public road right-of-way for a period exceeding 24 hours. No watercraft, recreational vehicle or utility trailer shall be permitted to be parked on the right-of-way between the edge of pavement and private property lines within residential and commercial areas. No vehicle shall be occupied for permanent living purposes, nor connected to public utilities (sewer or water) while parked on a public road right-of-way, except in accordance with Section 30-132(d).

SECTION 3. 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 and the City Code may be freely made.

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. Effective date. This ordinance shall become effective immediately upon

adoption by the City Council of the City of Belle Isle, Florida.

FIRST READING: _____, 2019

SECOND READING: _____, 2019

ADOPTED this ____ day of _____, 2019, by the City Council of the City of Belle Isle, Florida.

CITY COUNCIL
CITY OF BELLE ISLE

Nicholas Fouraker, Mayor

ATTEST:

Yolanda Quiceno, City Clerk

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

Meeting Date: July 2, 2019

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Amendment to Rules of Council

Background: During the March 27 Special Meeting and the April 16 Council Meeting, Mayor Fouraker discussed that there were discrepancies with the Rules of Council especially for meeting notices and requested the Council direct the City Attorney to review and make changes to the rules so they conform to the Municipal Charter the Municipal Code (BIMC). The rules have been reviewed and changes made by the City Attorney's Office to conform to the Charter and BIMC.

At the June 4 Meeting, the Council did not take action on this issue and some Council Members wanted to review this and make additions changes. A copy of the document was sent to Council on May 22 and June 5 to make edits. No additional comments or edits were received by City Staff.

Staff Recommendation: Adopt the changes to the policy.

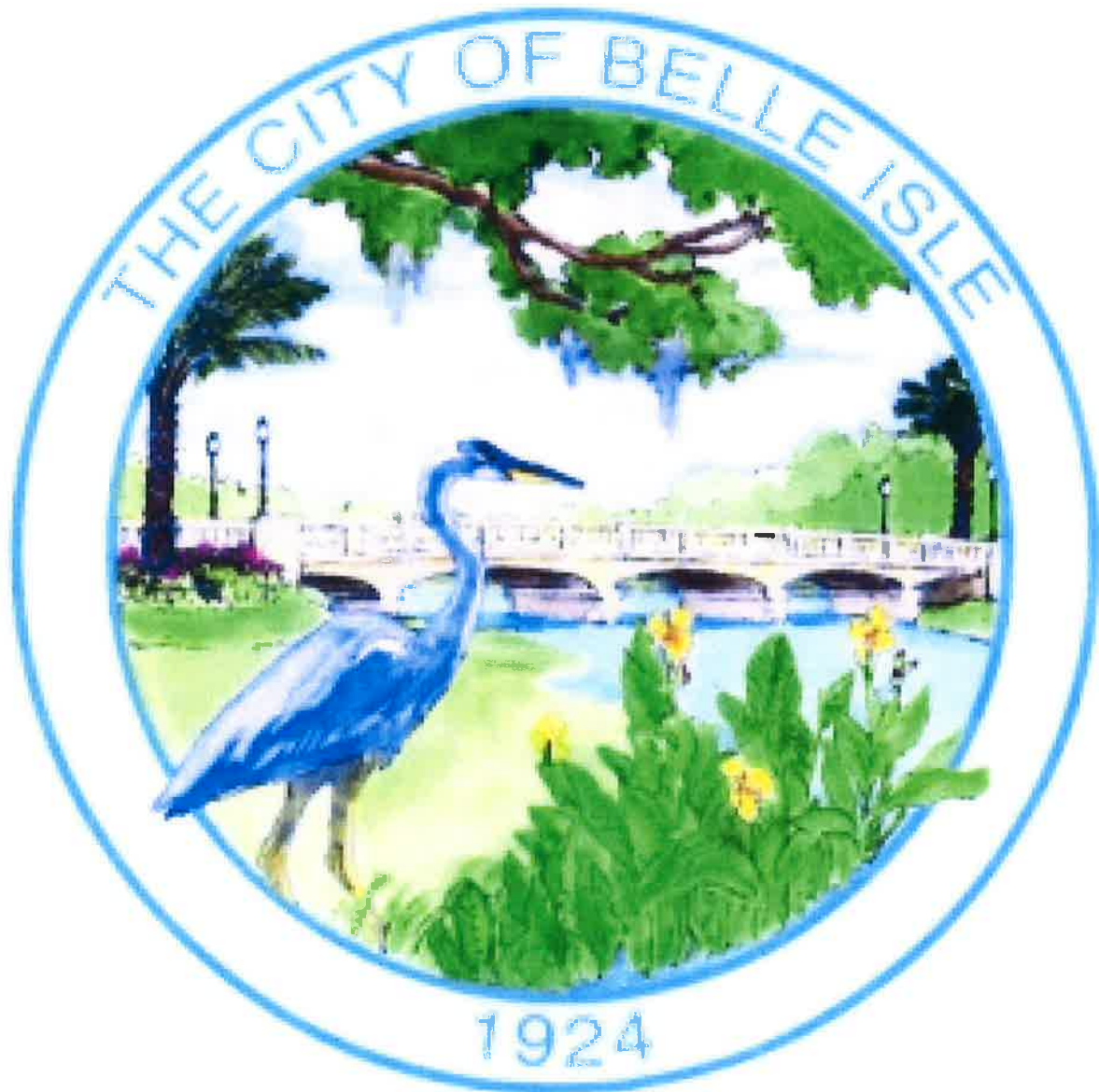
Suggested Motion: I move that we adopt the Resolution 19-06, Amendments to Rules of Procedure for the Belle Isle City Council.

Alternatives: Continue to make additional changes to the proposed rules

Fiscal Impact: None

Attachments: Resolution 19-06 and Rules

Exhibit A – RESOLUTION 19-06
Rules of Procedure for the City Council and the Boards,
Commissions and Committees
City of Belle Isle, Florida



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ARTICLE 1. AUTHORITY, APPLICABILITY, AMENDMENT, AND ANNUAL REVIEW

1.1 Authority.

Article III, Section 3.08 of the City Charter of the City of Belle Isle, Florida grants the City Council the right to determine its own rules of procedure; the following rules are enumerated under and by authority of said provision.

1.2 Applicability.

The rules of procedure adopted by the City Council are applicable not only to the City Council but shall apply to all other boards, commissions, and committees of the City of Belle Isle.

1.3 Amendment.

These rules may be amended or new rules adopted, by a majority vote of the members of the City Council present.

ARTICLE 2. GENERAL RULES OF PROCEDURE AND POLICIES

2.1 Construction of Authority and Priority.

The construction of authority in all matters associated with the meetings and activities of the City Council, including the Agenda, shall be: (1) the U.S. Constitution and statutes of the United States of America; (2) The Florida Constitution and statutes of the State of Florida; (3) the City Charter; (4) the Code of Ordinances of the City of Belle Isle, Florida; (5) these rules; and, (6) Rosenberg's Rules as amended and set forth herein. To the extent any of these rules are inconsistent or conflict with the City's Code, Charter or Florida or Federal law, the applicable provision of the City Code, Charter, or Florida or federal law shall control.

2.2 Council/Staff Relationships and Communications.

The Council shall contact City employees through the City Manager. In accordance with Section 3.10 of the City Charter, Council Members will refrain from giving orders or direction to any subordinate of the City Manager, either publicly or privately. Work assignments and policy direction should come from the elected body as a whole and not from individual members.

2.3 Meetings Shall Be Public.

All meetings of the City Council shall be public, and notices thereof shall be posted as provided under the Florida State Statutes, Chapter 286, Government-in-the-Sunshine Law. ~~Except in the case of an emergency meeting, notice~~ Notice of all regularly scheduled meetings of the City Council shall be given published at least 4 business days prior to the meeting. ~~The day of publication notice is not considered a business day~~ included toward such 34-day period. ~~For example, the Notice of a Council Meeting will be published on the Thursday preceding a regular Council Meeting 72 hours before the~~

time set for any meeting.

Notice of Special Meeting of the City Council shall be published no less than ~~24~~2 hours prior notice to each Commissioner and the public.

Notice of Work Sessions shall posted at city hall at least 24 hours prior to the date such work session meeting is actually held.

Notice of emergency Meetings shall be given to the public ~~at least 2 hours~~ prior to the meeting in a time-frame that is reasonable given the circumstances. Notice of an emergency meeting shall also be given to the media.

Failure to provide the notice contemplated by this Section shall not invalidate any action of the City Council taken at such meeting, provided that the requirements of the Sunshine Law are met.

If special accommodations are required, please contact the City Clerk a minimum of 24 hours in advance at 407-851-7730.

2.4 Conduct of Meetings.

Meetings of the City Council shall be conducted according to the rules adopted by the City Council, as well as the terms and provisions of Rosenberg's Rules of Order, as amended herein and when not inconsistent with these rules.

2.5 Regular Meetings.

Regular meetings of the City Council shall be on the first and third Tuesday of each month at 6:30 PM, as the council may prescribe by rule at the second meeting of April for each coming 12-month term.

Meetings will run until 9:00 PM and then adjourn. Any business not concluded by 9:00 PM will be carried over to the next regularly scheduled meeting unless a motion is passed by the Council to continue. The Council may pass a motion to continue the meeting for up to an additional hour but no longer. The Council will pass a motion to extend the meeting time only for such items on the agenda whose approval is time sensitive and cannot be delayed until the next meeting (i.e., contract approval, bids, time-sensitive items from another organization).

The Council may, by majority vote at a regular meeting, change the days or times of meetings as circumstances may necessitate.

2.6 Special/Town Hall Meetings.

Special meetings of the City Council may be called, upon the request of the Mayor, or by a majority of Council Members at a duly noticed public meeting. A request for a special meeting shall be filed with the City Manager in written/electronic format unless made at a regular meeting at which a quorum of Council Members present. The City Manager and all Council Members shall be notified of all special meetings.

2.7 Emergency Meetings.

In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive, and notice is posted two (2) hours before the meeting is convened. Notice shall also be provided to the media in accordance with the Florida Government-in-the-Sunshine Law, Chapter 286.

2.8 Work Sessions.

Work Sessions are synonomous with workshops and are called for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council.

2.9 Executive Sessions.

Executive Sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Sections 286.011(8) and 286.0113 of the Florida State Statutes and as otherwise provided by law. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Sunshine Laws.

The City Council can retire into an Executive Session as stated on a posted agenda during a regular or special meeting if a motion is duly made and seconded and affirmed by a majority of the Council. However, before the said session begins, the presiding officer shall announce that the Executive Session

is commencing. The order in which an Executive Session may appear on the agenda is subject to the discretion of the City Council. A certified record of the meeting will be created. No voting or action shall be taken by the City Council during an Executive Session. No other subject but that posted on the agenda is to be considered. Adjournment of the Executive Session and any vote needed shall be made during the open public meeting.

A member of the governmental body, city staff or other individuals who, without lawful authority, discloses to a member of the public matters made confidential under the Sunshine Law or public records laws may be subject to civil and/or criminal liability as provided by law. The notice, agenda, procedures, and record for and of Executive Sessions shall comply with all applicable statutory requirements.

2.10 Recessed Meetings.

No meeting shall be recessed for a longer period of time than until the next regular meeting except when required information has not been received, or, in the case of work sessions or special meetings, to a date certain by motion duly passed.

2.11 Quorum.

A "quorum" is defined as a majority of the governing body unless otherwise defined by applicable law, rule or charter. A quorum of a governmental body's members must be present in order for the governmental body to exercise the authority delegated to it. A quorum of any governmental body must be present to convene an open meeting of that body under the Act.

2.12 Conflict of Interest.

A Council Member prevented from voting by a conflict of interest shall file a conflict of interest statement with the City Clerk as soon as possible after the posting of an agenda or as otherwise provided by Chapter 112 of the Florida Statutes, unless an applicable conflict of interest statement has already been filed.

A Council Member prevented from voting by a conflict of interest shall not vote on the matter, may choose not to participate in discussions regarding the matter or to attempt to influence the Council's deliberation of the matter in any way, shall not attend Executive Sessions regarding the matter, all in accordance with Section 112.3143, Florida Statutes, and shall otherwise comply with the state law and city ordinances concerning conflicts of interest.

2.13 Presiding Officer.

The Mayor shall serve as the presiding officer for all meetings of the City Council. In the absence of the Mayor, the Vice-Mayor shall serve as the presiding officer. In the absence of the Vice-Mayor, the City Manager shall call the meeting to order if a quorum of the Council is present and the first order of business shall be for Council to elect by majority vote, a temporary presiding officer from the members then seated and in attendance. The temporary presiding officer shall serve in such capacity until the meeting is adjourned.

The Presiding Officer shall serve as the chair of all meetings and shall make final rulings on all questions pertaining to these rules. All decisions of the Presiding Officer are final unless overruled by the City Council through a Motion to Appeal as described in these rules, Rosenberg’s Rules of Order, the City Charter, or other law.

The Presiding Officer is entitled to participate in the discussion and debate, but is not entitled to vote on business before the City Council if the Presiding Officer is the Mayor, in accordance with Section 3.08 of the City Charter. The Presiding Officer of boards and commissions other than the City Council is entitled to vote on business before such board or commission, and shall be the person selected by the board or commission as the chair, co-chair, or vice chair or as otherwise provided by law or applicable rule. If these persons are not in attendance, the board or commission shall choose a temporary presiding officer from among the members in attendance.

The Mayor, as the Presiding Officer, should follow the principles below:

- “Be on time and start on time.”
- “Be organized. The presiding officer should have a detailed, well-prepared agenda and stick to it.”
- “Be prepared. The presiding officer should be familiar with the procedural rules...”
- “Be a teacher. The presiding officer should keep the group working together by explaining procedure clearly and communicating the next order of business. If a motion is confusing, it is his [her] duty to clarify it. This may mean helping a member rephrase a motion.”
- “Be in control of the floor. The presiding officer should ‘assign’ the floor by recognizing those members who wish to speak by calling them by name. No other member may interrupt or call out remarks without being out of order. The presiding officer should remind such a member that the floor has been assigned and request that his [her] remarks be held until the floor has been assigned to him [her]. In addition, private discussion between members while another has the floor is out of order and disruptive members should be reminded of this rule.”
- “Be impartial. The presiding officer should impartially call on members wishing to speak. He [she] should give members on both sides of an issue an opportunity to speak...”
- “Be composed. The presiding officer should remain calm and objective, keeping the meeting moving.”
- “Be precise. The presiding officer should always restate the motion before taking a vote. After taking the vote, he [she] announces the result of the vote by interpreting the action taken. The presiding officer should always be certain about the results of a voice vote. He [she] may retake the vote by requesting a show of hands on his [her] own accord.”
- “Be focused. The presiding officer should not allow irrelevant discussion. Restate the question and, if necessary, directly request the member to ‘confine remarks to the pending question.’”
- “Be temperate. The presiding officer should use the gavel sparingly, tapping it once to open and close the meeting.”

* taken from “Roberts Rules in Plain English”

2.14 Minutes of Meetings.

The City Clerk shall keep an account of all proceedings of the City Council and they shall be open to public inspection in accordance with the laws of the State of Florida.

2.15 Suspension and Amendment of Rules.

Any provisions of these rules not governed by federal, state law or the City Charter may be temporarily suspended or modified by a majority vote of the City Council and may be amended in a similar fashion if

such amendment was introduced at the previous regular meeting of the City Council and shall have received preliminary approval of the City Council at such meeting. For the purpose of this section, preliminary approval shall mean motion and a second with a majority vote to preliminary approve the amendment.

2.16 Commissioners.

Reference to Council Members, City Council Members, Commissioners, City Commissioners, and other references to members of the City Council in these Rules of Procedure are interchangeable.

ARTICLE 3. PARLIAMENTARY PROCEDURE

3.1 Purpose.

The purpose of these rules of parliamentary procedure is to establish orderly conduct of the meetings. Simple rules lead to a wider understanding and participation. Complex rules create two classes: (1) those who understand the rules, and (2) those who do not fully understand and those who do not fully participate. The ultimate purpose of these rules of parliamentary procedure is to encourage and facilitate decision-making by the City Council. In a democracy, the majority opinion carries the day.

These rules enable the majority to express their opinion and fashion a result while permitting the minority also to express itself and fully participate in the process.

3.2 Model Format for an Agenda Item Discussion.

The council recognizes and appreciates the importance of council discussion at every stage in each process. Debate/discussion is allowed prior to requiring a motion and second. During the debate/discussion, the presider shall call on a member who has not spoken on the issue before recognizing someone who has already spoken.

Council members shall avoid personal remarks directed toward individual council members. The presiding officer shall politely rule all such remarks as out of order. The council should follow the following debate/discussion principles*:

- “It is a good idea to begin your debate by telling the members which side you are speaking on...”
- “Organize your thoughts. Pay close attention to your delivery. Speak clearly and slowly, project your voice, and say it like you mean it. Organize your thoughts into two or three main points and communicate them during your debate time...Keep focused on the major reasons why you have taken your stand. Consider this as part of your meeting preparation.” *It’s a good idea to bring your concise notes to the meeting with you and actually take notes during the meeting to help you frame your debate/discussion comments.*
- “Only speak when called on” [by the presiding officer].
- “Direct all comments to the chair. Avoid directing comments to another member.”
- “Don’t be disruptive. Side conversations are not allowed.”
- “You can make corrections. If you hear information that you know is inaccurate, you have the right to call attention to the inaccuracy and to have the accurate information shared with the group. ... this must be done politely.”

* taken from “The Complete Idiot’s Guide to Robert’s Rules”

The following ten steps may be used as a model or guidebook by the presiding officer. The meeting is governed by the agenda and the agenda constitutes the only items to be discussed and to take action on. Each agenda item can be handled by the presiding officer (Mayor) in the following basic format:

1. *Announce the Item.* The Mayor should clearly announce the agenda item number and should clearly state what the subject matter of the agenda item is by reading the caption for the item being considered.
2. *Receive a Report.* The Mayor should call on the appropriate people to report on the item (usually the City Manager), including any recommendation they might have.
3. *Ask Clarifying Questions.* The Mayor should ask the Council Members if they have any technical questions for clarification. At this point, members of the City Council may ask clarifying questions to

- the people who reported on the item, and they should be given time to respond.
4. *Seek Resident Input.* The Mayor should invite resident comments – or if a public hearing, open the public hearing after a motion, a second and a vote. Upon conclusion, the Mayor should announce that public input is closed, or if a public hearing, make a motion to close the public hearing after close the public hearing.
 5. *Motion First.* The Mayor should invite a motion from the City Council after debate is given on the merits of the item. The Mayor should announce the name of the member who makes the motion.
 6. *Motion Second.* The Mayor should determine if any member of the City Council wishes to second the motion. The Mayor should announce the name of the member who seconds the motion. If no member of the City Council wishes to second the motion, then the motion fails, and should be so stated by the Mayor.
 7. *Repeat Motion.* If the motion is made and seconded, the Mayor should make certain that everyone (including the audience) understands the motion. This is done in three ways:
 - a. The Mayor can ask the maker of the motion to repeat it;
 - b. The Mayor can repeat the motion; or
 - c. The Mayor can ask the City Clerk to repeat the motion.
 8. *Ordinance Title Read.* When an ordinance is on the agenda, the City Clerk shall read the title of the ordinance prior to discussion of the ordinance.
 9. *Discuss the Motion.* The Mayor should now recognize the members of the City Council to discuss the motion.
 - a. No Council Member shall speak unless recognized by the presiding officer. Council Members will try to limit their remarks to three (3) minutes.
 - b. No Council Member shall speak more than once on the same issue, nor make a motion until every member of the Council has had the opportunity to speak on the issue.
 - c. While a Council Member is speaking, no one shall interrupt him/her except the presiding officer or a member of Council making a point of order.
 - d. If there is no desired discussion, the Mayor may call for a vote. If there has been no discussion or a brief discussion, then there is no need to repeat the motion before taking a vote. If the discussion has been lengthy, it is a good idea to repeat the motion before calling for the vote.
 10. *Vote.* The Mayor calls for the vote. A simple majority vote determines whether the motion passes or fails. Unless a member of the Council seeks recusal from voting on any question where the vote would constitute a conflict of interest, all members of the Council, excluding the Mayor, shall vote upon every question, ordinance or resolution. Any Council Member refusing to vote unless so excused shall be entered upon the minutes as voting in the affirmative. Action items require a vote.
 11. *Announce the Outcome.* The Mayor announces the results of the vote and should also state what action (if any) the Council has taken. Unless a roll call vote, the Mayor should announce the name of any member who voted in the minority on the motion.

3.3 Types of Council Actions

The Council adopts standing policy for the City primarily in three forms: (1) Ordinances; (2) Resolutions; and (3) Voted Council Actions.

1. Ordinances

An ordinance adopted by the Council is a law of the City that may be enforced through the court system and as otherwise provided under the City Code and other law. The City Manager or any member of the Council may offer an ordinance for consideration by the Council. Copies of proposed

ordinances are furnished to members of the Council in their agenda packets. Copies of proposed ordinances are made available at City offices and will be furnished to residents upon request to the City Clerk.

A proposed ordinance may be amended at or after the first reading, but any ordinance that is substantially amended at or after the first reading may need to be subject to another first reading. An ordinance constitutes an official legislative action of the City Council, which action is a regulation of a general and permanent nature and enforceable as a local law.

2. Resolutions

A resolution is an expression of the City Council concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the City Council. Examples would include a resolution to define the scope and purpose of a Council committee, or a resolution to define the Council's policy on an issue. Resolutions are also used to document Council actions for reference. A list of resolutions is also maintained by the City Clerk.

3. Council Actions

In addition to ordinances and resolutions, Council policy may also be set by Council action. Those actions are documented in the minutes of the meeting. Council policy is also supplemented by administrative orders and decisions issued by the City Manager and other duly authorized offices of the City, such as clarifications to the personnel manual, or general orders of the police department. All administrative orders must be in conformance with the City's policies, Code, Charter, and Florida and federal law.

3.4 The Basic Motions.

The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move for approval of the Ordinance as submitted," or "I make a motion that we deny the Resolution."

3.5 The Motion to Amend.

If a member wants to change a basic motion, he or she would have to motion to amend the original or previously amended motion. A motion to amend might be: "I move that we amend the motion to include the changes we discussed to the Ordinance." A motion to amend seeks to retain the basic motion on the floor (a motion made and seconded), but to modify it in some way. A motion to amend requires the agreement of the person making the original motion. If the basic motion has already been seconded, the motion to amend must be acknowledged and accepted by the member who seconded the basic motion.

3.6 Discussion and Debate.

The basic rule of motions is that they are subject to discussion and debate. Accordingly, the basic motion and the motion to amend are all eligible, each in their turn for full discussion by and before the City Council. Discussion and debate can continue as long as the members wish to discuss it, or until the Mayor decides that it is time to move on and call a vote on the motion.

3.7 Other Motions.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following motions are NOT debatable, and the Mayor must immediately call a vote on the motion, if seconded by another member.

- *Motion to Adjourn.* This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
- *Motion to Recess.* This motion, if passed, requires the Council to immediately take a recess. Normally the Mayor will determine the length of the recess, which could last for a few minutes to several hours. It requires a simple majority vote.
- *Motion to Fix the Time to Adjourn.* This motion, if passed, requires the Council to adjourn the meeting at the specific time set in motion. For example, “I move we adjourn this meeting at Midnight.” It requires a simple majority vote.
- *Motion to Table.* This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item shall be placed on the agenda at the following Council meeting.
- *Motion to Remove from Table.* This motion, if passed, allows the Council to remove an item previously placed on hold. A vote in favor of removing an item from the table must be made before the Council can take action on an item that was tabled.
- *Motion to Limit Debate.* This motion is sometimes referred to as, “moving the question” or, “calling the question.” When a member of the Council makes such a motion, the member is saying, “I have had enough discussion, let’s vote on the issue.” When such a motion is made, the Mayor should ask for a second, stop the discussion and vote on the motion to limit debate. The motion requires two-thirds or super majority vote to pass. Meaning, the number of Council Members voting for the motion must equal four or more.
- *Motion to Object to the Consideration of an Item.* This motion, if passed, precludes the City Council from even considering the item on the agenda. It does not preclude the item from appearing on a future agenda. (Normally, this motion is unnecessary, because the objectionable item can be defeated outright or tabled.)
- *Motion to Suspend the Rules.* This motion allows the Council to suspend its own rules for a particular purpose. For example, the Council may desire to give a particular speaker more time than normally allowed. A “motion to suspend the rules and give the speaker ten additional minutes,” accomplishes this desire.

3.8 Motion to Reconsider.

There is a special motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. As such, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a simple majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

The first issue involves timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting (if properly noticed and on the posted agenda). A motion to reconsider made at a later time is considered untimely, and it may not be considered unless the Council suspends the rules to consider it.

Secondly, the motion to reconsider can only be made by a member of the Council who voted in the majority on the original motion. The motion to reconsider may be seconded by any member of the City Council regardless of how they voted on the original motion. If a member of the Council who voted in the minority on the original motion seeks to make a motion to reconsider, it MUST be ruled out of order by the Mayor. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back again and again, which would defeat the purpose of finality.

If a motion to reconsider passes, then the original matter is back before the Council, and a new original motion is in order. The matter may be discussed as if it were on the floor for the first time.

3.9 Courtesy, Decorum and Order.

These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the Mayor (and the members of the City Council) to maintain that atmosphere of courtesy and decorum. The Mayor should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants of the discussion. Debate on policy is healthy; debate on personalities is not. In order to assist in the creation and maintenance of that atmosphere the following rules shall govern all meetings:

1. *Request to Speak.* Before a Council Member, staff member or an audience member may speak, they must first be recognized by the Mayor. Upon recognition, the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Public comments must be kept relevant to the subject before the Council. The Mayor shall rule on the relevance of the comments. Persons making irrelevant, personal, impertinent, overly redundant or slanderous remarks may be barred by the Mayor from the further comment before the Council during the meeting. Audience members who wish to speak during an agenda must first complete a Citizen Comment Request Form and submit it to the City Clerk. The Mayor has the right to cut a speaker off if the discussion becomes too personal, too loud, too crude, irrelevant, impertinent, redundant, or slanderous.
2. *Order.* If a person fails to request to speak before speaking, the Mayor shall rule them Out of Order and remind them that they do not have the floor. While the Council is in session, all Council Members must preserve order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other person while speaking or refuse to obey the orders of the Mayor. Members of the City Council should not leave their seats during a meeting without first obtaining the permission of the Mayor, or making a Motion to Recess.
3. *Improper References Prohibited.* Every person desiring to speak shall address the entire Council and shall not single out a member of the Council, the audience or a staff member. Speakers shall confine themselves to the question under debate, avoiding all personal attacks and indecorous language.

4. *Interruptions.* A Council Member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or other such interruption expressed below. If the Council Member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and if the Council Member is found to be in order, he or she shall be permitted to proceed to speak. Allowable interruptions or, points of order are as follows:
- a. *Point of Privilege.* The proper interruption would be: "Point of Privilege." The Mayor would then ask the interrupter to, "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room might be too hot or cold, or a fan motor might interfere with a Council Members ability to hear.
 - b. *Point of Order.* The proper interruption would be: "Point of Order." The Mayor would then ask the interrupter to, "state your point." Appropriate points of order related to anything that would not be considered the appropriate conduct of the meeting. For example, if the Mayor called for a vote on a motion that permits debate without allowing any discussion.
 - c. *Motion to Appeal.* If the Mayor makes a ruling that a member of the body disagrees with, then that member may appeal the ruling of the Mayor by stating, "motion to appeal." If the motion is seconded and after the debate if it passes by a simple majority vote, the ruling of the Mayor is reversed.
 - d. *Call for orders of the day.* This is simply another way of saying, "let's return to the agenda." If a Council Member believes the discussion has strayed from the agenda. The motion does not require a vote. If the Mayor discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.
 - e. *Withdraw a Motion.* During the debate and discussion of motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn, and discussion on the motion shall cease. Council Members are free to make the same motion or another motion.

3.10 Enforcement of Rules and Procedures.

The following provisions may be used to enforce the good order and decorum of the meeting. The action may be taken by the Mayor under his or her own action, or upon a Motion to Enforce by any Council Member.

1. *Warning.* The Mayor may order any person (Council Member, staff member or audience member) in violation of these rules to be silent.
2. *Removal.* If, after receiving a warning from the Mayor, the person continues to disturb the meeting or breach the peace and good order of the meeting, the Mayor may order the person to leave the meeting. If the person does not leave the room, the Mayor may order the Sergeant-at-Arms to remove the person.
3. *Sergeant-at-Arms.* The Sergeant-at-Arms shall be the highest-ranking police officer in attendance at the Council Meeting or such other officer designated by the Chief of Police for that purpose. Upon instruction of the Mayor, it shall be the duty of the Sergeant-at-Arms to remove from the meeting any person who intentionally disturbs the proceedings of the City

Council. A violation of these rules may be deemed an attempt to disrupt, obstruct, and/or interfere with a lawful meeting and subject the violator to prosecution under state law for disrupting a lawful meeting. (FS 877.03)

4. *Resisting Removal.* Any person who resists removal by the Sergeant-at-Arms may be charged with violating FS 843.02.
5. *Motion to Enforce.* Any Council Member may move to require the Mayor to enforce these rules and the affirmative vote of a simple majority of the Council shall require the Mayor to do so. A motion to enforce is an allowable interruption and is not debatable.

3.11 Council May Discipline its Own Members.

In the event a Council Member violates the Charter, these rules or any other Ordinance of the City, or acts in a manner that causes embarrassment or disgrace to the City of Belle Isle, the City Council on majority vote may discipline the offending member, including the Mayor.

The offending member shall be present at the meeting to answer any questions asked by members of the City Council or make other statements as he or she may desire to make in his or her defense. If the offending member refuses to attend the meeting after being notified, the remaining members of the City Council may proceed in his or her absence.

The outcome of the meeting may be as follows and shall be made publicly in Open Session in accordance with the Florida Open Meetings Act:

1. *No Action.* The City Council chooses to take no action.
2. *Public Censure.* The City Council may choose to publicly censure the offending member through a resolution passed by majority vote and entered into the public record.

ARTICLE 4. PACKET PREPARATION, POSTING AND AGENDA ORDER

The City Manager, with input from the Mayor and City Clerk, shall ~~prepare and set the~~ agenda for the next meeting at least 4 business days prior to the meeting. The day the agenda closes (is set) shall be counted as a business day. For example the agenda will be set by noon on the Thursday prior to the next Council Meeting. The and meeting packet shall be ready for distribution at least 4 business days prior to the regular scheduled City Council Meeting and cause the same to be posted a minimum of 96 hours prior to the meeting. Agenda packets shall be delivered to the City Council, in the format requested by each Council Member, on or before 6:00 PM of the day of the posting, or within such other times as established by the City Council from time to time. In the event of a Special Meeting or an emergency meeting of the City Council, ~~this provision shall be suspended when not~~ the agenda shall be prepared and distributed within a reasonable time given the circumstances, all as inconsistent with the provisions of federal or state law or the City Charter the Sunshine Law.

Council Members may request an item to be included on a future agenda. For an item to be included, requests must be submitted to the City Manager's Office at City Hall by 12:00 noon on the seventh (7th) calendar day preceding the date of the regular meeting.

Failure to prepare or distribute the agenda within the time periods contemplated under this Section shall

not invalidate any action of the City Council taken at such meeting, provided that the requirements of the Sunshine Law are met.

4.1 Packet Preparation and Posting

1. Preparation of the Packet. Not later than the 4th business day ~~sixth day~~ prior to said meeting, the City Clerk shall ~~prepare-distribute~~ the packet, which shall include the agenda plus all its corresponding duplicated agenda items. Reports carried over Unfinished Business need not be reproduced again.
2. Distribution and Posting of Agenda.
 - a. The City Clerk shall post each agenda of the City Council regular meeting and special meeting within the guidelines in Section 2.3 above and Article 4 ~~no later than six days prior to the meeting and shall post each agenda of a special meeting at least 24 hours in advance of the meeting in on~~ the official bulletin board. The City Clerk shall maintain an affidavit indicating the location, date and time of posting each agenda.
 - b. The City Clerk shall also post agendas and packet materials and annotated agendas of all City Council meetings and notices of public hearings on the City's website.
 - c. ~~No later than six days prior to a regular meeting, copies of the agenda packet shall be emailed by the City Clerk to any resident of the City of Belle Isle who so requests.~~
3. Distribution of the Agenda Packet. The Agenda Packet shall consist of the Agenda and all supporting documents for agenda items. No later than ~~six days~~ 4 business days prior to a regular meeting, the City Clerk shall:
 - a) distribute the Agenda Packet to the Mayor, each Council member and City Manager;
 - b) post the Agenda Packet to the City's website;
 - c) place viewing copy of the Agenda Packet with the Receptionist;
 - d) make the Agenda Packet available to members of the press (if requested), and
 - e) make or email copies of the Agenda Packet ~~available to for~~ the public who requests a packet (standard copy rates will apply).
4. Failure to Meet Deadlines.
 - a) The City Clerk shall not accept any agenda item or revised agenda item after the deadlines established.
 - b) Matters not included on the published agenda may be discussed and acted upon as otherwise authorized by State law or providing the Council finds one of the following conditions is met:
 - A majority of the Council determines that the subject meet the criteria of "Emergency".
 - A majority of the Council determines that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the agenda.
 - c) Matters listed on the printed agenda but for which support materials are not received by the City Council on the fifth day prior to the said meeting as part of the agenda packet, shall not be discussed or acted upon.

5. The City Council may by majority vote waive any provision or requirement of this Section

provided that all requirements of the Sunshine Law are met.

4.2 Call to Order.

The Mayor shall call the meeting to order.

4.3 Invocation/Pledge of Allegiance

All meetings of the City Council shall begin with an invocation and the Pledge of Allegiance to the United States flag.

4.4 Presentations and Proclamations.

The Mayor shall make any presentation or deliver any proclamation as may be required from time to time. Outside entities and organizations granted permission to make a presentation shall be placed in this section.

4.5 Citizen 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. Citizens may "donate" their time to another speaker; however, the total time given to any one speaker will be no more than ten (10) minutes unless a motion is passed by Council to allow more time. 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.

4.6 Consent Agenda Items.

There is hereby established, as a part of every agenda for Regular and/or Special Called Meetings of the City Council, a portion of said agenda that shall be labeled "Consent Agenda." Said Consent Agenda may consist of any and all business regularly coming before the City Council including minutes of prior Council meetings.

All items set out in the Consent Agenda shall be deemed passed upon passage of an affirmative motion, by a vote of the majority of the members of the City Council then seated, that the Consent Agenda be adopted. No further action shall be deemed necessary, and all such items appearing on the Consent Agenda, upon passage of such motion, shall be deemed adopted as if voted upon separately and as if the caption and/or body of any ordinance therein set out shall have been read in full.

Any member of the City Council may request during the *Consider Approval of the Consent Agenda* segment, that an item be removed from the Consent Agenda and considered separately. Such request shall be honored as if it had been passed by majority vote. If any item was removed from the Consent Agenda, it will be considered immediately following approval of the remainder of the Consent Agenda.

4.7 Public Hearings.

This section is only used when a quasi-judicial hearing is part of the order of business. The Mayor shall first request staff comments. The Mayor shall make a motion to open the public hearing, receive a second, then open the public hearing to receive resident input in the following order: proponents, then opponents, then neutral. While the public hearing is open, Council may ask questions of the speakers, but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules established herein for resident comments. Upon conclusion of resident comments, the Mayor shall close the public hearing, unless Council Members have a reason for continuing at which time council members may motion, second, then vote to not close the public hearing. Council may deliberate or take action on the matter at hand upon the closing of the public hearing. The following script may be used by the Mayor for public hearings:

Script for Public Hearing

This is the time scheduled for a public hearing regarding (subject of hearing). The hearing was published on the City’s website on (DATE) (and/or in the Orlando Sentinel on (DATE), if so published). If you wish to speak at tonight’s hearing, please make sure that you have completed a yellow speaker card and presented it to the City Clerk.

The City Council conducts public hearings and proceedings in a way that is fair and unbiased in both appearance and fact. I will now ask the members of the Council:

- **Does any Commissioner have any interest in the property or the application?**
- **Does any Commissioner own property within 300 feet of the property subject to the application?**
- **Does any Commissioner stand to gain or lose any financial benefit as a result of the outcome of the hearing?**
- **Can any Commissioner not hear and consider the application in a fair and objective manner?**
- **Has any Commissioner engaged in any ex parte communications with either proponents, opponents, or others pertaining to the application and, if so, ask them to place on the record the identity and substance of any such communications so that interested parties have the opportunity at the hearing to rebut the communications?**

I will now ask if any members of the audience wish to challenge and member of the governing body on the appearance of fairness and the reasons for the challenge. (Any member challenged or who believes that he or she has a conflict should be given the opportunity to either disqualify or refuse to disqualify him- or herself as appropriate under Chapter 112 and/or Section 286.012, Florida Statutes.

At the end of questioning, the Mayor will also declare the same as above.

(If needed) I will now ask the City Clerk to administer the oath to all those who may testify, or as a group.

We will now hear the Staff Report.

We will now hear from the Applicant

We will now take public testimony from those who have submitted yellow cards.

(If no yellow cards were submitted) Is there anyone from the public who wishes to speak?

(If no public testimony, go to *)**

(If someone wants to testify):

The following are the rules of order for tonight's hearing:

- 1. No person shall speak without first being recognized by the Mayor.**
- 2. All speakers must speak into the microphone and give their names and addresses.**
- 3. All comments will be addressed only to the City Council.**
- 4. Each person will be allowed FIVE minutes to speak.**
- 5. No person shall "donate" their time to another speaker.**
- 6. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.**
- 7. There shall be no audience demonstrations such as applause, cheering, display, signs or conduct disruptive of the hearing. Such conduct may be grounds for immediate termination of the hearing.**
- 8. No person shall present irrelevant, immaterial, or unduly repetitious oral argument.**
- 9. The Mayor, other Council members, and, the City Manager or any other officer or employee of the City, may question any person who submits oral argument.**

We will now take public testimony. Prior to addressing the Council, please state your name and address. Testimony will be heard in the following order:

- 1. Those in favor**
- 2. Those in opposition**
- 3. Those neither in favor nor in opposition**

(Listen to testimony, when everyone is done):

Any rebuttal by staff or applicant

*****The public hearing on (subject) is now closed. City Council will deliberate on the issue.**

4.8 Ex-Parte Communications.

In all quasi-judicial hearings, all rulings must be based only upon the evidence presented at the hearing. In accordance with Section 286.0115(1), Florida Statutes, ex parte communications with City Commissioners or Board members in quasi-judicial matters is permissible, and the adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with City Commissioners or Board members:

- 1. The substance of any ex parte communication with a City Commissioner or Board member which relates to a quasi-judicial action pending before the Commission or Board is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before the final action on the matter.**

2. A City Commissioner or Board member may read a written communication from any person. However, a written communication that relates to a quasi-judicial action pending before the Commission or Board shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.
3. City Commissioners or Board members may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

Disclosure made pursuant to subparagraphs 1, 2 and 3 must be made before or during the public meeting at which a vote is taken on such matters so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.

4.9 Regular Agenda Items.

Items for individual consideration will be listed as “Unfinished Business,” which are those items that final action has not yet been taken, and “New Business” which are items that are appearing before Council for the first time. Items shall be considered by the City Council individually and approved by a simple majority vote.

4.10 City Attorney’s Report.

This section is used for routine reports and announcements provided by the City Attorney to the Council. It also is an opportunity for Council to ask questions of the City Attorney related to legal questions, project status, and clarifications.

4.11 City Manager’s Report.

This section is used for routine reports and announcements provided by the City Manager to the Council. It also is an opportunity for Council to ask questions of the City Manager related to project status and clarifications.

4.12 Mayor’s Report.

This section is used for *reports and* announcements provided by the Mayor to the Council. It also is an opportunity for Council to ask questions of the Mayor.

4.13 City Council Reports.

This section is used for reports and announcements provided by each Council member. The Council may request future items to be placed on a future agenda at this time. An additional member of the Council must concur with a request for an item to be placed on a future agenda. No discussion or deliberation of the items may take place at this time.

4.14 Adjournment.

The Mayor shall adjourn the meeting upon passage of the appropriate motion.

ARTICLE 5. WORK SESSION POLICIES AND PROCEDURES

5.1 Purpose.

City Council may call and hold Work Sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council. The following rules shall prevail for the call and conduct of Work Session meetings.

5.2 Agenda.

Only a limited number of matters shall be considered by the City Council during a Work Session, and sufficient time for consideration of such matters shall be provided. An abbreviated agenda order shall be used for all Work Session agendas.

5.3 Technical Questions.

All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a Work Session. The council may, through the City Manager, request the attendance of such staff members or outside experts as may be required to answer such questions.

5.4 Prohibitions Against Formal Actions.

No formal actions may be taken at a Work Session. The council may provide staff direction on the matter being considered and ask that the item be placed on a Regular or Special Called Meeting agenda for formal action.

5.5 Audience Comments or Questions.

Audience comments or questions will not be considered at a Work Session unless by a consensus of the Council.

ARTICLE 6. RULES GOVERNING CITIZEN COMMENTS

6.1 Purpose.

It is the desire of the City Council to hear from the residents of Belle Isle and to stimulate discussion and offer a forum for a cordial and meaningful public debate on matters that are properly a concern of the City Council. The following rules shall control and govern audience comments.

6.2 Mayor to State Rules for Citizen Comments.

Immediately preceding the opening of a public hearing, or resident input on an agenda item, or to receive comments on non-agenda items, the Mayor shall summarize the rules governing comments from the audience. The Mayor may direct the City Clerk to publish the rules in the Council Chambers.

6.3 Rules Governing Citizen Comments.

1. If a large number of residents wish to comment, the Mayor may set a limit on the amount of time devoted to citizen comments and the amount of time allowed for each citizen. It is suggested that a maximum of 30 minutes will be devoted to receiving comments from the public on agenda items. Each speaker is limited to a maximum timed limit of three minutes.
2. Citizens may “donate” their time to another speaker; however, the total time given to any one speaker will be no more than ten (10) minutes unless a motion is passed by Council to allow more time.
3. No individual may address the Council without submitting a Citizen Comment Request Form. The form must clearly state the subject or issue on which the resident wishes to speak. If the subject matter does not pertain to city business, the Mayor shall advise the individual and/or make recommendations as to how they may get the issue addressed.
4. Residents speaking on agenda items shall restrict their comments to the subject matter listed.
5. Residents speaking on non-agenda items shall only speak on matters pertaining to city business or issues which the Council would have the authority to act upon if brought forth as an agenda item.
6. Council may not act upon or discuss any issue brought forth as a non-agenda item; except to:
 - a. Make a statement of specific factual information given in response to the inquiry, or
 - b. A recitation of existing policy in response to the inquiry.

Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting, or direct staff to review.

7. Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, or personal attacks are strictly prohibited, and violators may be removed from the Council Chambers.
8. No placards, banners or signs may be displayed in the Council Chambers or City Hall. Exhibits relating to a presentation are acceptable.
9. Arguing, intimidation or other disruptive behavior is prohibited. Discussion and/or debate are acceptable only on items specifically listed on the agenda.
10. Unauthorized remarks from the audience, stomping of feet, applauding, whistles, yells, or any type of disruptive behavior is prohibited. Applause of appreciation may be acceptable when recognizing a significant event or achievement.
11. Council meetings are the workplace to carry out the business of the City of Belle Isle; therefore, any conduct that could constitute harassment in the workplace is prohibited.
12. In all cases, the Mayor shall preside over the Council meeting and ensure that proper conduct and decorum is adhered to.

6.4 Preservation of Order.

The Mayor shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the Council Chambers any person speaking out of order or disrupting the order of the meeting.

ARTICLE 7. BOARDS AND COMMISSIONS

7.1 General.

Boards and commissions are created under the powers of the City Council as outlined in the City of Belle Isle Charter. Ad hoc boards may be temporarily appointed and terminate upon completion of a specific task or special purpose for which it was created, or when abolished by a majority vote of the City Council. No ad hoc board shall have powers other than advisory to the City Council.

7.2 Meeting Times and Agenda Order.

Boards, commissions, and committees shall set their own meeting times. All boards, commissions, and committees shall be subject to these rules. Each board, commission, and committee shall set their own agenda, so long as it is in accordance with the Florida Open Meetings Act.

7.3 Boards with Regulatory Authority.

The Planning and Zoning Commission has regulatory authority.

7.4 Boards without Regulatory Authority.

The Tree Advisory Committee and Special Events Committee do not have regulatory authority.

7.5 Appointments.

The City Council will review applications and/or interview eligible applicants for open positions on boards and commissions.

7.6 Board Members.

Members appointed to boards or commissions serve at the will of the Council and may be removed, replaced, or not reappointed at the discretion of the Council, by majority vote, with or without cause. When conducting the business of the City, appointed members of all boards or commissions shall follow the rules of procedure set forth for the City Council.

7.7 Open Government Training.

Upon initial appointment, within 90 days of taking the oath of office or assuming duties, all board, commission, and or committee members shall be required to watch the Florida Public Information Act and the Florida Open Meetings Act training videos as provided by the City Clerk.

7.8 Council Liaisons.

One Council Member may be appointed as the Council Liaison to the City Boards and Commissions. Council liaisons will be appointed by Council with consideration given to applicable expertise. Council liaisons may attend but are not required to attend, the meetings of the boards or commissions to which they have been appointed as liaison. Board and commission members may contact their Council liaison concerning items of concern or interest with regard to their appointed board.

7.9 Evaluation of the City Manager.

In order to establish and maintain effective City Council and Manager relationships, it is essential that the Council establish an ongoing evaluation process that offers an opportunity for each party to review the performance of the City Manager. This evaluation should focus on how effectively the City Manager is accomplishing the goals established by the City Council and how he/she is carrying out his/her responsibilities in the key performance areas.

Specifically, the evaluation should serve the following needs:

- 1) It will allow the City Manager and the Council to test, identify and refine their respective roles, relationships, expectations of and responsibilities to each other.
- 2) It allows the discussion of the City Manager's strengths and areas of needed improvement as demonstrated by past performance with the objective of increasing the City Manager's effectiveness; that is, it gives the Council the opportunity to provide positive feedback in areas that have been handled well and to outline clearly areas where the City Manager could become even more effective through improved performance.

PROCESS

- 1) The City Clerk will provide Evaluation forms to the Mayor for distribution to all Councilors.
- 2) Each Councilor completes the forms, signs them and returns one copy to the Mayor.
- 3) The Mayor tabulates the results of the evaluation forms.
- 4) The City Manager prepares a memorandum to the Council including his self-evaluation using the Self-Evaluation Form.
- 5) A composite evaluation form and the City Manager's self-evaluation are distributed to the Council by the Mayor prior to the evaluation meeting. A copy of the composite evaluation form is also forwarded to the City Manager by the Mayor prior to the evaluation meeting.
- 6) The Council meets with the City Manager in a scheduled meeting to jointly review the evaluation.
- 7) The Mayor will establish the operating ground rules for the session including, but not limited to, such considerations as location, time, or time considerations for any particular subject matter.
- 8) The evaluation process shall occur annually, as close to the anniversary of the hiring date of the City Manager, except that the Council may request an evaluation at any time.

TABLE OF MOTIONS AND POINTS OF ORDER

MOTION/ORDER	REQUIRES SECOND	DEBATABLE	AMENDABLE	VOTE TYPE
Basic Motion	Yes	Yes	Yes	Simple
Motion to Amend	*	No	Yes	N/A
Motion to Adjourn	Yes	No	No	Simple
Motion to Recess	Yes	No	Yes	Simple
Motion to Fix the Time to Adjourn	Yes	No	No	Simple
Motion to Table	Yes	No	No	Simple
Motion to Limit Debate	Yes	No	No	Super
Motion to Object to the Consideration of an Item	Yes	No	No	Super
Motion to Suspend Rules	Yes	No	No	Super
Motion to Reconsider	Yes	Yes	Yes	Simple
Point of Privilege	No	No	No	N/A
Point of Order	No	No	No	N/A
Motion to Appeal	Yes	Yes	No	Simple
Call for Orders of the Day	No	No	No	N/A
Withdraw a Motion	No	No	No	N/A
Motion to Enforce	Yes	No	No	Simple

* For the purposes of these rules, Amendments are not debatable and only require the approval of the member who made the original motion. An amendment to an amendment, requires first the approval of the member who made the original amendment and secondly the approval of the member who made the original motion.

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

Meeting Date: July 2, 2019

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Grady House

Background: At the February 5 Council Meeting, the City Council approved a year extension for the demolition of the Grady House so the City and the Pine Castle Historical Society (PCHS) could plan to move the house. In speaking with the State Historic Preservation Office, SHPO recommends that this house not be moved since it is in its original location and the historic significance of a homestead would be what is listed on the National Register of Historic Sites. Moving the house would jeopardize this. The Grady House was built circa 1885 by Noah H. Grady. Mr. Grady had come to the area to sell insurance to citrus growers because the business was booming. There were back to back freezes in 1884 and 1885 and Mr. Grady moved. The house was then rented and in 1906, Mr. and Mrs. Arthur Q. Lancaster moved in. He was the first elected Mayor of Belle Isle and for many years the house was called the Lancaster House. The Grady House is considered one of the houses, if not the oldest house in the Pine Castle and Orlando Area.

The City and Cornerstone Charter Academy have no further use for the structure; however if the house was repaired and restored to its former condition, it could play a major role in the development of the Pine Castle Historic District and also play a significant educational role for students in all area schools.

Being on the PCHS, I've had the opportunity to discuss the Grady House at length with the other board members. At the last PCHS meeting, the Board was interested in Belle Isle donating the Grady house to PCHS, the school moving the fence, and Belle Isle either making the repairs to the house as decided at an earlier meeting of the council or turning over the money with the house and PCHS is responsible for fixing the home. The PCHS passed a motion to request the City leave the house on its homestead and that the City Council donate the Grady House to the PCHS.

Staff Recommendation: Although classroom space is at a premium at CCA, CCA is exploring other options to expand the campus; therefore to carve the Grady House and its small area out of the property should not be detrimental to CCA's plans. Therefore it is recommended that the City donate the Grady House to the PCHS, but retain ownership of the property at this time and partner with the PCHS to repair and restore the Grady House.

Suggested Motion: I move that direct the City Attorney to prepare the documentation necessary for the donation of the Grady House to the Pine Castle Historical Society and I further move to leave the Grady House in its current location so the homestead could be placed on the National Register of Historic Sites.

Alternatives: Do not donate the house and continue with the original plan to have the house moved.

Fiscal Impact: TBD based on cost to repair the Grady House.

Attachments: Grady House Historical Information Sheet

For years the Founder's House (Grady/Lancaster House) was the center for cultural activity in Pine Castle, Belle Isle, Conway & Edgewood

Pine Castle quick to help Center for Arts

By ALEX BEASLEY
Staff Writer

Some things just seem to bring out the best in people. For executive director Suzanne Nichols and the people of Pine Castle, that thing is the Pine Castle Center for the Arts. It is through donations, grants, fund-raising or volunteer work, people go out of their way to help the center.

"We aren't very big, and you can never really do the things you really want, but we make the most of it," Miss Nichols said. "So the volunteer fund-raising and donations are invaluable to Suzanne Nichols."



Miss Nichols isn't in it for the money. Her \$11,500 annual salary will hardly make her rich. She just does the work and she is doing it because she sees a good example for others to follow.

And follow they do. The Pine Castle Arts League, a group of women volunteers, provides help that the center otherwise could not afford. Our guardian angels, Miss Nichols, 28, said with a smile. The arts league helps organize Pioneer Days, a two day cultural event that the center has put on for the community for the past seven years. The league also holds fund-raisers

and donates the money to the center. Fund-raisers also are put on by the South Orlando Rotary Club, which painted some of the buildings all without charge.

A group of Boy Scouts, under the guidance of Scoutmaster Ed Smith, donated its time to paint the interior of the Crawford Building, recently donated by the Pine Castle United Methodist Church.

Money to move the building to the center's property was received from the Edgely Bush Foundation in 1980. It is not the first time the foundation has helped the arts center. "We get a great deal of help from the foundation," Miss Nichols said. In the past four years the center has received two \$15,000 matching grants, which matched money that the center had raised. The center also has received a \$10,000 grant from the foundation to improve programs and facilities and is operating on another \$7,000 grant from the foundation.

Other sources of revenue in the form of memberships, from the center's own book store, the Edgely Bush Training Act, which provides the center's register and its bookkeeper. Even a funeral home is helping out. The Pine Castle Memorial Chapel Funeral Home offered a fire-proof and air-conditioned home here for the center's use.

Miss Nichols said one of the center's goals is to provide the community with a cultural center that will improve the quality of life. If anyone are any indicator, the community is saying thank you.



Pine Castle Center of the Arts depends on community help.



Three women who helped preserve the Grady/Lancaster House. Marie Toye, Sherry Sherwood, 58, at the house where Toye and her friends, who lives nearby, and Sherwood were childhood friends, and they would like to preserve the Grady/Lancaster House.

ORLANDO SENTINEL 2001

This article shows childhood friends Marie Toye and Sherry Sherwood in front of the house across Waltham from the Grady House. This house, where Marie was born, is also an historic house and was built in 1908.

In the article she and Sherry were quoted as saying they hoped that Pine Castle's historic character could be preserved. Today their sentiments are shared by many others!

Several preservationists inspected the house and said it was in basically sound condition.

Grady/Lancaster House

Built by Noah H. Grady, 1885
Home of Belle Isle's 1st Elected Mayor, Arthur Q. Lancaster
Known as the oldest house in Pine Castle/Belle Isle

The first resident of the Grady House was undoubtedly its builder, Noah H. Grady. Mr. Grady came to the Orlando area in 1884 to engage in the insurance business when the citrus industry was booming. Unfortunately there were back to back hard freezes in 1884 and 1885 and he left in 1896.

Historian Steve Rajtar said, "At about the turn of the century, the Grady House was occupied by Mr. and Mrs. Carol, then in 1903 Mr. and Mrs. Charles Tanner moved in. In 1906, Mr. and Mrs. Lancaster acquired it and it became known as the 'Lancaster House'."

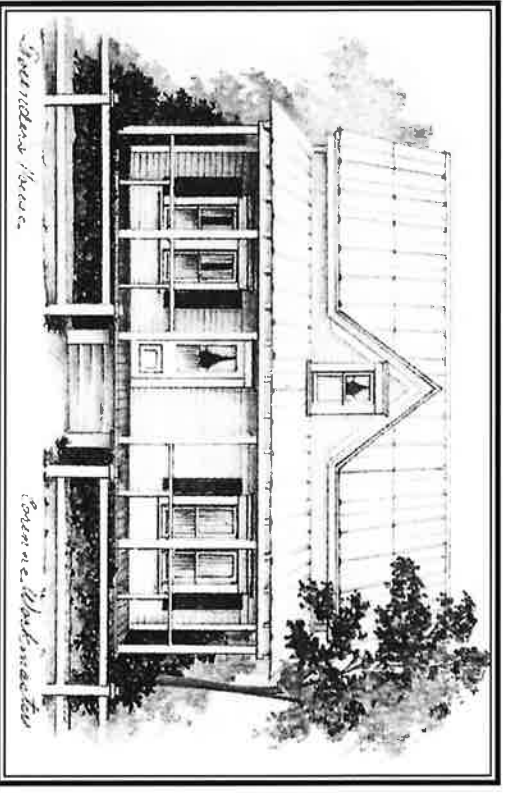
It was sold in 1919 to Mr. and Mrs. Don Harris. It continued to be known as the Lancaster House until it was purchased by the Arts Center.

There are a number of accounts about the house in several issues of the annual Pioneer Days Magazines.

Grady/Lancaster House becomes the Founder's House



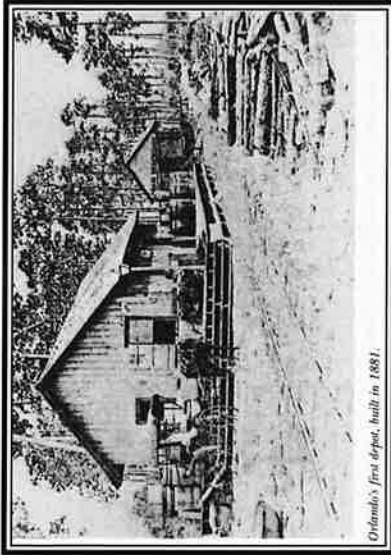
Arthur Q. Lancaster, 1874-1940
First elected Mayor of Belle Isle



In 1972 the house and connecting property were purchased by the Pine Castle Center of the Arts and the house became known as the "Founder's House" in honor of its primary sponsors, some of whom were Florence and Ben Fishback, Irene Day, Shirley Cannon, Jack Holloway and the Edyth Bush Foundation.

Pine Castle Historical Society, Inc., 631 Wilks Avenue, Orlando, FL 32809
www.pinecastlehistory.com
Printed at Ambrose the Printer

Original Construction of the Grady/Lancaster House



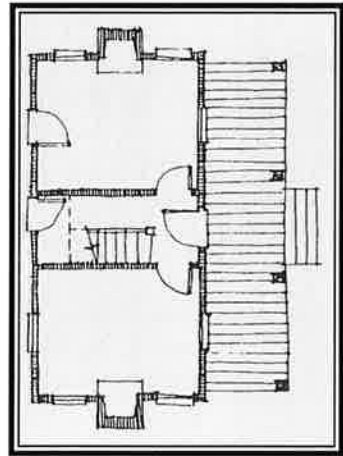
The photo at the right shows the exposed vertical siding under the horizontal clapboard.

The Grady House was built with vertical "board & batten" siding like "the" Pine Castle and Orlando's first railroad depot.

With only primitive sawmills, and an abundance of large pine and cypress trees, most early Central Florida buildings used this construction.



Original floor plan of the Grady/Lancaster House



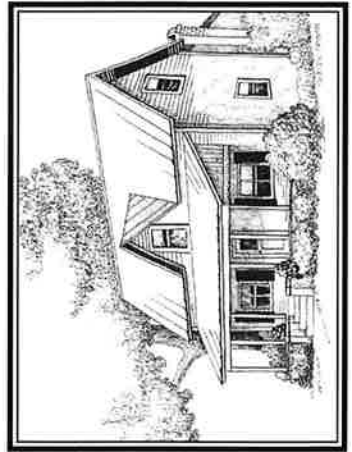
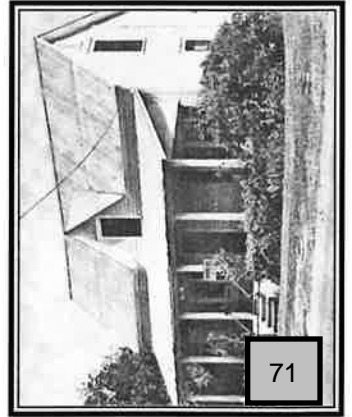
"I-HOUSE" FLOOR PLAN

This house form was essentially a narrow two-story version of the dog-trot house with the breezeway enclosed and stairs built leading to the sleeping rooms above in attic-like spaces. The "necessary room" was an "outhouse." Fireplaces and chimneys were located at the gable ends (the Grady House had no fireplaces).

As with other early vernacular Florida houses, shady porches stretched along the front and a detached cooking and dining structure was to the rear.

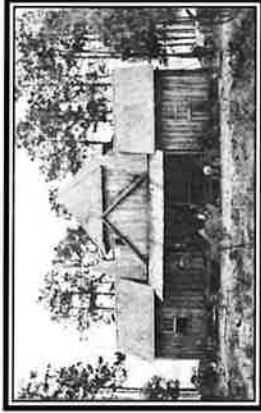
At a later date the detached kitchen and connecting breezeway were removed and three rooms were added, including an indoor bathroom. At some point a small garage was built.

The later additions can be seen in the drawing below, which was based on the photograph which does not show the additions.



Historic Pine Castle and Belle Isle

Today Belle Isle is home to several famous historic sites, "the" Pine Castle, Pleasure Beach, Scotchman's Beach, Crittenden's Dock, Orlando Yacht Club, The Florida Spa, Bear Head Farm, and Daetwyler Nursery (which once compared with Cypress Gardens.) And still standing are a number of historic homes in addition to the Grady/Lancaster House.



"The" Pine Castle 1874



Pleasure Beach 1923



Bear Head Farm 1884



Daetwyler Nursery 1930s - 50s

Mayors of the City of Belle Isle

The Grady/Lancaster House was named in honor of Belle Isle's first elected Mayor, Aruthur Q. Lancaster (second from left). The first temporary mayor was Charles Hoffner, for whom Hoffner Avenue is named.



**Belle Isle Issues Log
7/2/19**

<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>
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	FEMA is reviewing the project damages with the City to determine what the final payment may be and if this project will be funded under a FEMA mitigation program. FEMA mitigation reviewing project.	All Funding is in place for Park Construction. Project to be budgeted for next fiscal year.
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	Paving to start mid-April. Area: City parking lot; Overlook, Lake Dr. (Nela - Swann), Nela to Bridage; Nela (Matchett - Gondola) Gondola (Nela - Perkins) Conway Cir, Jetport. Paving to start April 14; new door hangers out for residents in the area; E-Alert and FB Posts made.	Paving complete. New bid on speed tables for Nela and Seminole (Need County to transfer Seminole). Paving Company will be installing speed tables on Nela. County is putting together documents to transfer Seminole to City.
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	Wind Drift Contract signed. Pre-construction meeting scheduled for next week. Look for project completion near end of September (weather permitting). Design for Nela Avenue 80% complete.	Neighborhood Meeting completed. Work scheduled to start 7/8/19. After consulting with Engineer, City may start to "recondition" swales in some areas. Engineer reviewing preliminary plans for St. Partin issue.
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. Met with WaWa Rep regarding redesign of entrance. Council held workshop on transportation plan on April 9; revisions to be made by consultant.	Consultant sent final changes to plan. Plan sent to Council for review.
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.	Fountain is complete, but electrical meter is being moved. Discuss dedication with Special Events Committee

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Wallace Field	City purchased large area at Wallace/Matchett for open space. Issues with Wallace Street Plat in this area with people trespassing on private property. District 2 Comm. And CM met with residents to discuss solutions. Council met on June 14 and issues was discussed. Council directed that a fence would be erected around property. Dist. 2 Comm. and CM to meet with residents to discuss options for Wallace Street plat. Area is still zoned R-2.	6/14/2017	Dist.2 Comm and CM	9/30/2018	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. Workshop held on development. CCA and City to review CCA draft plan. All changes sent to CCA Board for review. Possibility to be on their June 26 agenda.	CCA rejected change in Use Agreement regarding by-laws and rejected by-law changes suggested by the City. CCA accepted minor plan changes, but wants the City to pay for the parking lot.
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	Cross lake purchase is on hold until County reschedules PH. Mayor/CM to meet with Commissioner Uribe and Adjacent property owner on Cross Lake on March 4. CM/Comm. Gold met with Oak Island HOA for property off Kissam Court.	CM requested Cross Lake Issue be on BCC agenda. No word back from County. BOA building being appraised. Agent to work with Finance Director on financing options.
Charter School (CCA)	There has been infrastructure issues at Cornerstone for some time. The City owns the property and leases it to CCA. The City is responsible for replacing major systems at CCA according to the lease.	4/3/2017	CM	Ongoing	Capital Facility Plan complete. CCA considering purchase of property. Roofs are being patched, not replaced at this time. Letter was sent to CCA Board asking for joint meeting and other Board issues.	CCA Board requests joint meeting on one of the following dates (July 8, 15, 22, 24). CCA Consultant briefed CCA Board on new option for funding which involves refinancing of bonds. Consultant to meet with City to discuss.
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.	Tentative date Aug 16-17. Staff making arrangements for off-site workshop, possibly Clarion Hotel.
Municipal Code Update	The City Council contracted with a planner to update the municipal code. This process was not completed and needs to be completed. There have been significant code changes in the past few years that need to be in the code.	4/3/2017	CM/CC	Ongoing	Meet with consultant to determine what was done and what is left to do.	P&Z Board looking at possible changes to fence/wall requirements. Discussion about pavers for driveways/sidewalks.

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Comp Plan Updates	The comp plan is reviewed every 7 years to see if it needs to be updated. The City Council contracted with a planner to update the comprehensive plan.	3/1/2017	Council Planner CM	Ongoing	Meet with consultant to determine what was done and what is left to do.	Comp Plan update due in 2023. Staff will continue to review. Remove from Issues Log until 2022
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.
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)	No update, but will now be an item for next fiscal year budget
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 information from old system.	Staffdrafted policies recommended by Auditor. Agenda Items for upcoming meetings.
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.	Agenda Item