



city council agenda

Agenda
February 19, 2019 * 6:30 PM
City Council Meeting
City Hall Chambers 1600 Nela Avenue

Lydia Pisano Mayor	Kurt Ardaman City Attorney	Bob Francis City Manager	Ed Gold District 1	Anthony Carugno District 2	Jeremy Weinsier District 3	Mike Sims District 4	Harv Readey District 5	Jim Partin District 6	Sue Nielsen District 7
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Welcome

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

1. Call to Order and Confirmation of Quorum
2. Invocation and Pledge to Flag - Jeremy Weinsier, Commissioner District 3
3. Mayor for the Day - Hailey Bass Day (Est. 10 minutes)
4. Consent Items (Est. 10 minutes)
 - a. Approval of the City Council meeting minutes - January 15, 2019
 - b. RESOLUTION 19-02 - A Resolution of the City of Belle Isle, Florida, amending the Budget for the fiscal year beginning October 1, 2018, and ending September 30, 2019, providing an effective date.
 - c. RESOLUTION 19-03 - A Resolution declaring surplus certain personal property and directing the City Manager to dispose of the property for value through an open public process.
5. Citizen's Comments (Est. 10 minutes)

Persons desiring to address the Council MUST complete and provide to the City Clerk a yellow "Request to Speak" form located by the door. After being recognized by the Mayor, persons are asked to come forward and speak from the lectern, state their name and address, and direct all remarks to the Council as a body and not to individual members of the Council, staff or audience. **Citizen comments and each section of the agenda where public comment is allowed are limited to three (3) minutes.** Questions will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you.
6. Unfinished Business
 - a. ORDINANCE 19-02 FIRST READING AND CONSIDERATION - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, CREATING A NEW SECTION 1-14 IN CHAPTER 1, OF THE CITY CODE RELATING TO MINIMUM ORDINANCE ADOPTION PROCEDURE AND PROVIDING FOR PUBLIC COMMENT ON PROPOSED ORDINANCES DURING BOTH THE FIRST AND SECOND READING OF A PROPOSED ORDINANCE; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE (Est. 10 minutes)
7. New Business
 - a. Appeal of Citation #P0001180 by Ali Mohammed Mattar (Est. 10 minutes)
 - b. Approval of Lot Split Request made by Lawrence Elferdink 6320 Gibson Drive (Est. 20 minutes)
 - c. Approval of Bing Grant Application for Lake Conway Shores HOA (Est. 10 minutes)
 - d. Approval of Settlement Agreement with Juan Carlos Gil (Est. 10 minutes)
8. Attorney Report (Est. 5 minutes)
9. City Manager Report

"If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F. S. 286.0105). "Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting." -Page 1 of 51

- [a.](#) Issues Log update (Est. 10 minutes)
- [b.](#) Chief's Report (Est. 5 minutes)
- [c.](#) NAV Board update (Est. 5 minutes)

10. Mayor's Report

- a. Legislative update (Est. 5 minutes)

11. Council Report (Est. 3-5 minutes each)

12. Adjournment



city council minutes

MINUTES
January 15, 2019
Regular Session 6:30 pm

The Belle Isle City Council met in a regular session on January 15, 2019, at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

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

Absent was:

Commissioner Harv Readey

Also present were City Manager Bob Francis, Attorney Kurt Ardaman, Chief Houston and City Clerk Yolanda Quiceno.

CALL TO ORDER

Mayor Pisano called the City Council Regular Session to order at 6:30 pm and the City Clerk confirmed quorum.
Mayor Pisano welcomed District Commissioner Mayra Uribe.
Commissioner Gold gave the invocation and led the Pledge to the flag.

CONSENT ITEMS

- a. Approval of the City Council meeting minutes – December 4, 2018
- b. Approval of the City Council workshop minutes – December 14, 2018
- c. Approval of the City Council workshop minutes – December 28, 2018
- d. Approval of Line of Credit from the previous year

Mayor Pisano called for a motion to approve the consent item.

Comm Nielsen motioned to approve the consent agenda items as presented.

Comm Sims seconded the motion which passed 6:0.

CITIZEN COMMENT

Mayor Pisano opened for public comment.

- Gayle Bouck residing at 2205 Cross Lake shared her concern with the debris dumped on Cross Lake Beach. The debris has degraded to black muck and is going down to the water. She asked for the City's assistance to clean up the beach area.
- Karl Shuck residing at 1658 Wind Willow Road shared his frustration with the response to his public records request he submitted for the Mayor's personal phone records from June 7, 2018. He stated that he has not received any records for 2016 and gave a brief update of what he has received to date.

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

UNFINISHED BUSINESS

City Manager Francis gave a brief explanation as to why the agenda was changed. Unfortunately, due to circumstances out of the control at the Orlando Sentinel, the ads were not published on time and according to State law and the Charter the Ordinances could not be read for second reading and adoption because they were not advertised in the required time frame. The ad will be published accordingly for the next scheduled meeting.

Reimbursement of Attorney Fees - Commissioner Nielsen

City Manager Francis gave an update on the reimbursement of attorney fees for Comm Nielson and provided a copy of the attorney's itemized bill as previously requested by Council. He reported that the City had placed a claim with the City's insurance company for all three reimbursements (Gold, Readey, and Nielsen) and the insurance company will be able to pay 50% of the original submittals leaving the City to pay the other half.

Comm Gold moved to approve reimbursement of attorney's fees to Comm Nielsen for \$20,000.

Comm Partin seconded for discussion.

Comm Partin stated that he has received feedback from some residents and asked why the City is responsible for reimbursement if the members were acting on their own accord and the violations was outside of their official acts. He further stated that the report shows that Comm Nielsen knowingly broke the Sunshine Law.

Attorney Ardaman stated that there two bass for reimbursement, (1) Statutory and (2) Case Law. Concerning 2007 Case Law in FL, he explained the litigation must arise out of, and connection with the performance and official duties and must serve a public purpose. With Sunshine Law, there cannot be a violation of the individual was not serving in a capacity as a City Commissioner. He said the State Attorney concluded its evaluation and said the case is now closed and there will not be any further action. Complicating the matter, the previous City Attorney did recommend that the individual commissioners hire their private lawyer. This is a reasonable position for the City to consider the request to approve reimbursement.

Attorney Stuart was present to answer any questions.

Comm Gold explained his justification for approval of the reimbursement and said that the City made a promise to each Commissioner that if they were not found guilty they will be reimbursed. Also, the commissioners did not have the opportunity to appear in court to access innocence or guilt and most importantly the City's word should be binding.

Comm Sims also received an email from a resident in opposition and explained his reason for approval. To deprive a Commissioner reimbursement based on hunches and emotions is not something he can defend. He believes his vote should be based on findings and State law guidance.

Comm Carugno shared his concerns and said he also received some calls in opposition. He said every year Council is required to attend an Ethics Course and are aware of what is right and wrong. He does not agree with the other Commissioners and strongly disagrees with the reimbursement of attorney fees.

Attorney Jacob Stewart with offices at 1521 Mt. Vernon Street, Orlando, FL spoke on the concerns voiced by the Council. He said allegations could be career ending and he can assure this was a very large investigation and very complex. At this point, he pleads that Comm Nielsen is innocent on the charges beyond a reasonable doubt. Discussion ensued. The Council requested a copy of an itemized invoice and said that he charges a flat fee retainer instead of billable hours and his statement had to be recreated over the two years.

After discussion, Comm Carugno asked if there is any written document that the City was going to reimburse these Commissioners. Mr. Francis said these events occurred before his employment and did not find any written document in the file. He said after speaking with Comm Readey, Gold and Nielsen he was told by them that the then City Manager and City Attorney said they would reimburse them for legal fees because he will not be able to represent them. Also, Mr. Francis said there was no process in place on how to handle this type of situation at that time.

Comm Weinsier said he is not sure if everyone would ever agree with what is true or false; however, there is State Law that states they should be reimbursed for their legal fees if there were no charges. He would like to move forward with the vote.

Mayor Pisano confirmed with the City Attorney that Comm Nielsen would be able to vote on this matter.

Attorney Ardaman stated FS 112.3143(3) requires recusal where a vote would inure to his or her special private gain or loss of a public official; however there is a carve-out under FS 112.313(5) which states, no public officer shall be prohibited from voting on a matter affecting his or her salary, expenses, or other compensation as a public officer, as provided by law and CEO 88-46.

Comm Nielsen said she does not mind recusing herself however she will still be counter for a quorum.

Attorney Ardaman said it is safer if all Commissioners present to vote on the motion and recommends Commissioner Nielsen vote on the motion.

Mayor Pisano called for a vote on the motion made by Comm Gold to approve reimbursement of attorney's fees to Comm Nielsen for \$20,000. The motion passed 4:2 with Comm Carugno and Comm Partin, nay.

Update on Cross Lake Purchase

Mr. Francis led the discussion on the Cross Lake purchase and gave a brief overview of the project. Due to Orange County's failure to notify the property owners of the first hearing the project was put on hold. During that time, Orange County said they would not move forward until the adjacent property owners and the City came to some agreement in addressing the issues and concerns. In the meantime, the City has received an email from the adjacent property owner's attorney addressing several concerns known /unknown by the City. The City responded accordingly in a memorandum addressing,

- Park is adjacent to the property owner's dock
- Park is 8-ft from the adjacent property owners house
- Ingress/egress
- Parking places
- Dirt road
- New boat ramp/dock at a location
- Cross Lake swimming and passive use
- Adjacent property owner's drain field issue
- Purchase of adjacent property owners property

In a correspondence to the Attorney on April 17, 2018, there were Council members on the record who offered a blended solution which will be that the city will own 1/3 of the property and the two adjacent property owners will each own 1/3.

On April 17, 2018

- Comm Nielsen said she believes the City is required to provide ingress to a property owner who is landlocked adjacent to the land and would like the City to purchase the property and dedicate a piece of the park as a driveway for the applicant
- Comm Gold spoke in favor of working towards a solution to dedicate a piece of the park as a driveway
- Comm Readey said he is in favor of the City purchasing the property and have staff provide a plan to provide the applicant with a driveway

Mr. Francis asked the three Commissioners if they would like to provide a piece of the park for a driveway or continue with the purchase and extend the driveway all the way down where the property owner will have access to a public right of way.

Comm Gold and Nielsen both agreed that they are looking for an amicable solution.

After discussion, Mr. Francis said once the City acquires the property, installs a surrounding fence and open/close access from dawn to dusk it will correct most of the concerns from the adjacent property owner. Discussion ensued on the fence height/style, mulch issue and clean-up of Cross lake Beach

NEW BUSINESS

Approval of Lance Settlement Agreement

Mr. Francis opened discussion on the Request for Relief on 7020 Seminole. The City has proposed a Settlement Agreement for approval. If the Council agrees to the Settlement Agreement, it will include the concessions to pay the City Attorney's fees totaling \$16,500. Mr. Frances noted that he receives a concern from a resident that Lance's should not be allowed not to have a fence in the front but a wrought iron fence.

Comm Nielsen said she has conflicting feelings. She feels however that the development will look like McMansions on substandard lots. She would like to stop it before it starts and not favored by most residents and not consistent with what the City would like to do moving forward.

Comm Carugno said he had received many calls and emails in opposition. Also, there was a concern about the precedent set by the last lot split. He is in favor of lot splits depending on the area in the City. He asked if the City can change the Land Development Code to state that lot splits are allowed if they meet the code at the time and do not create a substandard lot. Attorney Ardaman said yes, discussion ensued on the definition of plotted lots. He further added that some residents concern is that applicants can appeal any vote and get approved.

Mr. Francis said the applicant has the right to file relief under section 70-51. The State law requires that the City throw a special magistrate negotiate mediation with the property owners to agree to a settlement agreement before moving to the next step. If a negotiated settlement cannot be agreed upon a lawsuit may follow.

Comm Gold said this is always going to be a non-compliant area because a vast majority of lots are 70 foot lots and a few that are 55-foot flag lots. The only way to get to a point where this area can be compliant is to combine all of the homes in the area.

Mayor Pisano opened for public comment and allowed for a 2-minute presentation.

- William Haan residing at 2909 Trentwood Blvd spoke in opposition of the lot split and the settlement agreement and said it would set a bad precedent.
- Bob Harrell residing at 2800 Trentwood Blvd spoke in support of the lot split mainly because the majority of the lots on that street are small lots. At the time of the original request, those in proximity were in favor. Those opposed were not adjacent neighbors or lived close to his lot. Mr. Harrell clarified that the applicant has an accumulation of three lots that he wants to make into two. He does not believe the City should make a restriction on how big a house can be but a minimum size house.
- Anna Marie Fiola residing at 2493 Trentwood spoke in opposition of the lot split because it will affect the density and create a negative impact on the water quality.
- Charlene Kennedy residing at 2624 Homewood Drive spoke in opposition of the lot split because it will create a bad precedent and create a negative effect for the quality of the Lake.
- Beth Lowe said she would give her time to Emily Wakley.
- Emily Wakley residing at 3019 Indian Drive spoke in opposition to the lot split that do not meet the minimum zoning requirements. She provided an overview PowerPoint and said the City is slowly changing the zoning in the area without actually going through the proper channels to change the zoning.
- Debra Donham residing at 6904 Seminole Drive said she would like to see everyone follow the rules and protect the lake water quality.
- Greg Gent thanked the City for their partnership for making the Boat Parade a success. Greg Gent residing at 2924 Nela Avenue spoke in opposition of the lot split and gave a brief overview PowerPoint of the approval process. He said he would like to see the City review and follow the Code and procedures.

There being no further comment Mayor Pisano closed public comment for Board discussion.

Attorney Tom Callan with offices at 921 Bradshaw Terrace, Orlando FL representing the applicant spoke on the key points of the Settlement Agreement which included,

- Setback 70 ft from NHWM elevation
- Demolition of the house to occur within a certain period
- Regulate square footage
- Types of construction
- Swale in the back yard
- Fencing
- Boat Docks

Attorney Callan spoke on the following legal points,

- The City denied the variance and the Staff report had errors with the wrong code standards by the City Planner and the Planning Zoning Board which were covered in the Request for Relief
- Should the four variance standards each be met or weighted as whole
- Is there a conjunctive to meet all 4-criteria in Section 42-64
- There is no over development on the lake
- The city engaged on the improper plebiscite
- The city allowed impermissible Ex-parte communications referenced repeatedly in the record of June 2018

If there is a denial, the applicant can move forward with two homes on the two lots that meet the code without a variance each lot at 22,000 square feet meeting all setbacks.

In this juncture,

- the house has no value – it's a detriment
- it is a reasonable use of the property with no environment issues
- it is in harmony with the neighborhood
- it is geared towards new development, not infill
- will not create a precedent because it is supported by many of the neighbors, except by the Weinsiers
- it is an unnecessary hardship to have an oversized lot of 150ft lot in perpetuity when the surrounding homes are 70-75ft

Comm Sims said the intent of hardship is more to protect the applicant and never intended to mean if the hardship cannot be proven the request cannot be approved.

Comm Weinsier said he had not heard a clear statement of the hardship being met. If there are no requirements or standards for hardship, then everyone will get a variance. Comm Weinsier spoke on examples of change and said the City needs to stand behind the code. If the City is going to rezone by variance, then the City will need to change the code.

Discussion ensued on new development standards and substandard lots. Council discussed creating a precedent. Attorney Ardaman said the law is very clear, variances are considered on a case by case basis and granting, or denial of one property is not a precedent for any other property. Every parcel property is considered unique under Florida law; separate and apart.

Comm Nielsen said it is extremely frustrating for a resident who is why they are asking why we have a code. Attorney Ardaman said everyone has property rights and have the right to pursue on due process leaving the City to pay for defending the request.

Due to the circumstances, Comm Nielsen shared her concerns with a previous lot split approval and asked that it be placed on the next agenda for reconsideration.

Comm Carugno asked for a recommendation from the City Attorney or City Manager to continue the discussion or table the discussion and schedule for a workshop to revisit the Code. Attorney Ardaman said if the Council is going to consider changing the minimum lot size in this area is up to the applicant to agree for the delay. Attorney Callan said his client would like to move forward for a vote.

Mayor Pisano called for a motion to extend the City Council meeting to 9:30 pm.

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

Comm Gold seconded the motion which passed 6:0.

Comm Gold said he would like to see the Code changed to fit the neighborhood or area.

Comm Carugno motioned to deny the Mediated Settlement Agreement between the Lance's and the City for 7020 Seminole Drive.

Comm Weinsier seconded the motion which passed 4:2 with Comm Sims and Comm Gold nay to deny.

Approval of Lot Split for 7020 Seminole (Lance Property)

Approval of the Lot Split will not be conserved due to the denial of the Settlement Agreement.

Approval of Landscape Bid

City Manager gave a brief overview of the landscaping services. The landscaping bid was re-advertised because the Council changed the chemical application frequency. The City received three bids, Dora Landscaping - \$84,349.10, Groundwerks - \$110,400 and Millennium Grounds & Water-\$175,400. In the past, the City has received complaints about Dora Landscaping, and we were going to consider them a non-responsible bidder; however, over the past few months they have had a change of staff and were assured that we would not have any further problems. He asked for approval of the Dora Landscaping bid for \$84,349.10.

Comm Sims motioned to approve the bid of Dora Landscaping for \$84,349.10.

Comm Nielsen seconded the motion which passed 5:0, Comm Gold was out of the room.

Appointments to MetroPlan Orlando Committees

City Manager Francis asked for Council appointment of an elected official to serve as the primary and alternate to the MetroPlan Orlando Municipal Advisory Committee (MAC) and the Transportation System, and Operations Committee (TSMO)

Comm Nielsen motioned to appoint Mayor Pisano as the primary representative to the MetroPlan Orlando Municipal Advisory Committee and Bob Francis as the primary representative to the Transportation System and Cooperation Committee (TSMO).

Comm Carugno seconded the motion which passed 6:0,

Alternates can be appointed at a future meeting.

Approval of Supervisor of Elections Use Agreement Contract for the March 12th, 2019 Municipal Election

City Manager Francis asked for approval of the 2019 Vote Processing Equipment Use Agreement and Elections Services Contract for Municipal Elections.

Comm Nielsen motion to approve the Contract, not elect to pay return postage for Vote by Mail Ballots and not to elect the supervised voting process.

Comm Sims seconded the motion which passed 6:0

CITY MANAGER'S REPORT

Approval of the Wallace Field Use Agreement with CCA

City Manager Francis said the Agreement would be coming back to the Council for review and approval. He said he asked CCA not to provide renderings to Council until the Use Agreement is approved. Mr. Francis spoke on the concerns made by Council and addressed Section 3(a) Restrictions, 3(b) Non-Exclusive Use and 3(c) Parking and Traffic. The City will have priority of the field and will only need to notify CCA that they need the field. CCA will have to reserve the use of the field, or the field will be opened to the public. The only other change that will have to be corrected in the Recitals is to designate the field to an Open Space. Also, Mr. Francis pointed out the eight additional elements that CCA will have to incorporate into the plan which includes, 1-irrigation, 2-drainage, 3-fitness equipment around the track, 4-benches around the track, 5-bike racks, 6-bat houses, 7-gate between CCA property and Wallace Field (in the existing wall) and 8-defined parking area. Mr. Francis asked for approval of the Use Agreement as discussed.

Comm Nielsen motion to approve the Agreement for the use of Wallace field by CCA.
Comm Partin seconded the motion.

Comm Carugno said he is not in agreement because the City has not reviewed the final plan or the design of the park. He does not want to limit the design to the school and their needs and not take into consideration the options for all the residents in the City.

Mr. Francis said before this agreement goes any further CCA will need to bring the site plan back to the City for review and approval. Discussion ensued.

Attorney Ardaman said the City has 120 days and four months for both entities to approve the same concept, site plan and improvements for the property. If not approved the agreement terminates.

The motion passed 4:1 with Comm Carugno, nay and Comm Sims not present for the vote.

Mr. Francis said the City had been asked to schedule 2 candidate forums. The forum dates are as follows:

Feb 7th – Mayoral Forum
Feb 20th – District 3 Candidates
March 7th – Mayoral Forum

Mr. Francis reported that Orange County is going to place a concrete median at Hoffner/Conway intersection. The poles are cost prohibitive. They will still allow for left-hand turns into Cork & Fork and will also allow Wawa to construct a right-in, right-out pork chop intersection properly.

Comm Weinsier reminded everyone of the Chili Cook-off January 26th. Information can be found at the pinecastlehistory.org.

ATTORNEY REPORT – no report

MAYOR'S REPORT – no report

COUNCIL REPORTS – no report

ADJOURNMENT

There being no further business Mayor Pisano called for a motion to adjourn. The motion was passed unanimously at 9:30 p.m.

Yolanda Quiceno, CMC, City Clerk

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1 _____
2 Approved as to form and legality

3 Kurt Ardaman, City Attorney
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5 STATE OF FLORIDA

6 COUNTY OF ORANGE

7 I, YOLANDA QUICENO, CITY CLERK OF THE CITY OF BELLE ISLE, FLORIDA, do
8 hereby certify that the above and foregoing Resolution No. 19-02 was duly and
9 legally passed and adopted by the Belle Isle City Council in session
10 assembled, at which session a quorum of its members were present on the
11 _____ day of February, 2019.
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13 _____
14 Yolanda Quiceno, City Clerk
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**ATTACHMENT A
CITY OF BELLE ISLE
FY 2018-2019
BUDGET AMENDMENT
RESOLUTION 19-02**

GENERAL FUND 001

- 1.) Record Revenue Received from OJP Bulletproof Vest Grant and Increase Technology Expenditures for use.
- 2.) Record Police Department Donation Received and Increase Expenditures for use.
- 3.) Increase Expenditures for Urban Forestry.
- 4.) Increase Expenditures for Attorney Fees Reimbursed to Individual Council Members due to SAO Investigation.

ACCOUNT NO.	DESCRIPTION	ORIGINAL FY 18/19 BUDGET	BUDGET AMENDMENT RESOLUTION# 19-02	AMENDED FY 18/19 BUDGET
REVENUES				
001-334-396	OJP Bulletproof Vest Grant Revenue	0	2,165	2,165
001-366-000	Contributions & Donations	0	5,000	5,000
			<u>7,165</u>	
EXPENDITURES				
001-511-00-4920	Reimbursement of Attorney Fees	0	11,682	11,682
001-521-00-3100	Technology Support/Services	24,000	2,165	26,165
001-521-00-5300	Police Academy Sponsored Employee Expense	0	671	671
001-521-00-6400	CIP - Equipment	19,000	4,329	23,329
001-541-00-4690	Urban Forestry	20,000	40,000	60,000
001-590-00-2710	Undesignated Reserve - General Fund	1,588,431	(51,682)	1,536,749
			<u>7,165</u>	

CHARTER SCHOOL DEBT SERVICE FUND 201

- 5.) Increase Expenditures for New Entry Doors at Charter School.

ACCOUNT NO.	DESCRIPTION	ORIGINAL FY 18/19 BUDGET	BUDGET AMENDMENT RESOLUTION# 19-02	AMENDED FY 18/19 BUDGET
EXPENDITURES				
201-569-00-6410	Charter School Building Repairs	0	50,214	50,214
201-590-00-2710	Undesignated Reserve - Charter Fund	1,131,892	(50,214)	1,081,678
			<u>0</u>	

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**A RESOLUTION DECLARING SURPLUS CERTAIN PERSONAL PROPERTY AND DIRECTING THE CITY
MANAGER TO DISPOSE OF THE PROPERTY FOR VALUE THROUGH AN OPEN PUBLIC PROCESS.**

The Belle Isle City Council finds as follows:

WHEREAS, the city owns in fee certain personal property described in Exhibit A that is surplus to the city's needs; and

WHEREAS, F.S. 274.05 allows cities to sell any such surplus property, following a public meeting to declare such property as surplus to the City; and

WHEREAS, the Belle Isle City Council has declared at a duly noticed public meeting to address the question of whether it should surplus the property attached at Exhibit A and the process by which any such sales should happen in accordance with Section 2-221 and Section 2-224 of the Belle Isle Municipal Code; and

WHEREAS, the city council deliberated and decided to surplus the property described in Exhibit A, attached hereto and by this reference incorporated herein.

NOW THEREFORE, based on the foregoing the City Council for the City of Belle Isle, Florida
resolves as follows:

Declaration of surplus property. The City Council hereby declares the property described in Exhibit A, attached hereto and by this reference incorporated herein, to be surplus to the needs of the city and directs the City Manager to dispose of this property in accordance with Section 2-224 of the Belle Isle Municipal Code. The City Manager shall market the property in any reasonable open and public manner and accept proposals from any member of the public for the purchase of any or all property.

1 Adopted by the City Council on this 19th day of February, 2019.

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3 _____
4 LYDIA PISANO, MAYOR

5 Attest: _____

6 Yolanda Quiceno, City Clerk

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9 Approved as to form and legality

10 Kurt Ardaman, City Attorney

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12 STATE OF FLORIDA

13 COUNTY OF ORANGE

14 I, YOLANDA QUICENO, CITY CLERK OF THE CITY OF BELLE ISLE, FLORIDA, do hereby certify that
15 the above and foregoing Resolution No. 19-03 was duly and legally passed and adopted by the Belle Isle
16 City Council in session assembled, at which session a quorum of its members were present on the
17 _____ day of February, 2019.

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19 _____
20 Yolanda Quiceno, City Clerk



Belle Isle Police Department

February 14, 2019

Interoffice Memorandum:

TO: Bob Francis
City Manager

FROM: Chief Laura Houston *LH*

RE: Request to Sell Equipment as Surplus

The Belle Isle Public Works Department is requesting to sell the listed equipment as surplus. The equipment is in poor condition and is no longer needed. The equipment will be sold in compliance with City policy.

1. Ford Model 2120 tractor with loader, serial number UV22187, and backhoe, serial number WL75242, purchased in 1990.
2. 1992 Ford F-350 dump truck, VIN 1FDJF37Y8NNA69489, purchased in 1992.

A blue ink signature of Bob Francis, written over a horizontal line.

Bob Francis, City Manager

Approved 

Disapproved

** Community First **



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

Meeting Date: February 19, 2019

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Ordinance Procedures.

Background: The City Council directed the City Attorney to draft an ordinance changing the process for adopting ordinances allowing the public to comment at both the first and second readings.

In order to give the public ample time to review and comment on a proposed ordinance the following process is proposed:

1. At a meeting, the staff will introduce a proposed ordinance. At this meeting, the proposed ordinance will be discussed and a determination made if it should move forward. If the Council decides to move the ordinance forward, direction will be provided to the staff to draft the ordinance in its proper format, be given a number, and set a date for the first reading.
2. At the first reading, the proposed ordinance will be read by title only and the Council will discuss the ordinance. The Council will also receive public comment on the proposed ordinance and determine if any changes need to be made to the ordinance.
3. The proposed ordinance will be advertised for adoption at a future meeting according to the requirements outlined in BIMC and FS 166.041(3)(a).
4. At the second reading, the proposed ordinance will be read by title only and the Council will discuss the ordinance. The Council will also receive public comment on the proposed ordinance and determine if any changes need to be made to the ordinance. If not, then a motion will be made and voted on to adopt the ordinance. If there is additional public comment that the Council wants added or deleted from the proposed ordinance, and if that comment substantially changes the meaning of the ordinance, then another public hearing will be advertised and held.

Staff Recommendation: Move Ordinance 19-02 to a second reading and adoption.

Suggested Motion: I move that forward Ordinance 19-02 to a second reading and adoption at the March 5, 2019 meeting.

Alternatives: Do not pass the ordinance and continue to receive public comment only at the meeting for a second reading of a proposed ordinance.

Fiscal Impact: None

Attachments: Ordinance 19-02

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1 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITYOF BELLE
2 ISLE, FLORIDA:

3
4 SECTION 1: RECITALS. The foregoing recitals are ratified and confirmed as being true and
5 correct and are hereby made a part of this Ordinance by this reference.

6 SECTION 2: CITY CODE AMENDMENT. There is hereby created a new Section 1-14 in
7 Chapter 1 of the City Code of the City of Belle Isle, as follows:

8
9 Sec. 1-14. – Minimum ordinance adoption procedure.

10 The city will follow the minimum requirements of Section 166.041, Florida Statutes for
11 the adoption of ordinances. Provided however, the city will allow public comments on a
12 proposed ordinance, regardless of the subject matter, during the council meetings that each of
13 the two (2) required public readings of a proposed ordinance occurs. This section shall not
14 require additional notice or advertising relating to the adoption of proposed ordinances beyond
15 the minimum requirements of general law or as may otherwise be required by city code.
16 Unless otherwise required by general law or city code based on the subject matter of the
17 ordinance (e.g. comprehensive plan amendment, land development code amendment and
18 certain rezoning ordinances), the first reading of an ordinance is not required to be noticed or
19 advertised beyond its inclusion on a publicly posted council agenda. In the event a noticed or
20 advertised public hearing or reading of an ordinance is continued to a date certain upon motion
21 and majority vote of the council during the council meeting for which the ordinance was
22 noticed or advertised, the city shall not be required to re-advertise or re-notice the ordinance
23 for the continued public hearing or reading date.
24
25

SECTION 3. 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 4. 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 5. CODIFICATION. Section 2 of this Ordinance shall be incorporated into the Belle Isle City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance or the City Code may be freely made.

SECTION 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

	YES	NO	ABSENT
Ed Gold	_____	_____	_____
Anthony Carugno	_____	_____	_____
Jeremy Weinsier	_____	_____	_____
Mike Sims	_____	_____	_____
Harvey Readey	_____	_____	_____

1 Jim Partin _____

2 Sue Nielsen _____

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

6 CITY OF BELLE ISLE

9 ATTEST: Lydia Pisano, Mayor

12 Yolanda Quiceno, CMC-City Clerk Date

14 Approved as to form and legality

17 A. Kurt Ardaman, City Attorney

22 S:\DL\Clients\Belle Isle, City of\General B900-29001\Ordinance Adoption Process - Public Comment\Ordinance adoption process allowing public
23 comment ordinance - 2-6-19.docx



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

Meeting Date: February 19, 2019

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Appeal of Parking Citation

Background: Ali Mohammed Mattar, 5242 Chiswick Cir is appealing the parking citation he received for parking on the street without a license tag on his vehicle.

Attached is the ticket and his explanation. The fine is \$150. Council has the latitude to reduce the fine if they so choose.

Staff Recommendation: Do not excuse the ticket. There is no way of telling that a vehicle without a tag is inoperable, stolen or junked. However, with parking changes pending, possibly reduce the fine to \$75

Suggested Motion: I move that we deny the appeal of Ali Mohammed Mattar and reduce the fine to \$75.

Alternatives: Approve the appeal or deny the appeal and charge another fee.


Fiscal Impact: \$150

Attachments: Citation and Mattar explanation



AGENCY CASE # CITATION	CITATION # P0001180	DATE 12/22/2018	TIME 9:53 AM
AGENCY NAME BELLE ISLE POLICE DEPT.		TYPE OF DEPARTMENT 2-PD	
COUNTY OF CITATION ORANGE		PLACE OR CITY OF CITATION BELLE ISLE	
VIOLATOR or OWNER			
NAME (PRINT) FIRST ALI	MIDDLE MOHAMMED	LAST MATTAR	
STREET 5242 CHISWICK CIR			
CITY BELLE ISLE		STATE FL	ZIP CODE 32812
LICENSE NUMBER M 3 6 0 0 1 3 5 9 2 0 7 0		CLASS E	DL EXP. 06/07/2025
BIRTH DATE 06/07/1959	RACE O	GENDER M	HEIGHT 5' 08"
YR VEHICLE 2000	TAG # 3MATTAR	TRAILER TAG #	TAG EXP DATE 06/07/2019
COLOR RED - RED	STYLE UTILITY	MAKE JEP	STATE FL
V.I.N. OR MOTOR # 1J4G248S2YC312847		MODEL NO	
ROADWAY INFORMATION			
ADDRESS # 5242		OCCURRED ON STREET, ROAD, HIGHWAY CHISWICK CIR	
FEET	MILES	DIR.	AT/FROM STREET, ROAD, HIGHWAY
VIOLATION			
CODE # 30-31(B)	CHARGE DESCRIPTION NO TAG VISIBLE ON VEHICLE		
OTHER VIOLATION COMMENTS CORRECT BY 1/2/2019 TO AVOID A SECOND \$150 FINE			
PAYMENT INFORMATION			
NAME CITY OF BELLE ISLE			
ADDRESS 1600 NELA AVENUE			
CITY BELLE ISLE			ZIP 32809
PHONE # (407) 240-2473		WEB SITE PAGE CITYOFBELLEISLEFL.ORG	
IF PAID WITHIN 30 DAYS	IF PAID AFTER \$150.00 DAYS	IF PAID AFTER 30 DAYS	FILING FEE
REPORTING OFFICER			
OFFICER SIGNATURE <i>R/R</i>		BADGE # CSO2	TROOP UNIT CSO
RANK CSO	FIRST MATTHEW	MIDDLE	LAST RABEAU
FINES MUST BE PAID WITHIN 30 DAYS OF ISSUE. PAYMENT WITH CASHIER CHECK OR MONEY ORDER, MADE PAYABLE TO: CITY OF BELLE ISLE. YOU MUST PAY WITH CASH IN PERSON.			
YOU MAY REQUEST A HEARING WITHIN FIVE(5) DAYS OF ISSUE. FAILURE TO DO SO MEANS YOU HAVE WAIVED YOUR RIGHT TO CONTEST THE MERIT OF THIS CITY ORDINANCE VIOLATION. A \$35 APPEAL FEE MUST BE PAID AT THE TIME OF THE HEARING REQUEST. IF YOU ARE FOUND NOT GUILTY, THE \$35 FEE WILL BE RETURNED.			
FAILURE TO COMPLY WILL RESULT IN A COLLECTION REFERRAL ACTION.			

For
Meeting
2/19/19

AGENCY CASE # CITATION	CITATION # P0001180	DATE 12/22/2018	TIME 9:53 AM
AGENCY NAME BELLE ISLE POLICE DEPT.		TYPE OF DEPARTMENT 2-PD	
COUNTY OF CITATION ORANGE	PLACE OR CITY OF CITATION BELLE ISLE		
<p>PICTURE</p> 			

Our Car was parked on the street
and the tag was Lost and we
didn't ~~know~~ know it's illegal to leave
it on the street with no tag.

Ali Mattar

5242 Chiswick Circle

407 399-1559

monamattar@aol.com



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

Meeting Date: February 19, 2019

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Lot Split for 6320 Gibson Drive

Background: Mr. Lawrence Elferdink, is requesting a lot split for his property located at 6320 Gibson Drive. 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. This split of this lot will not result in a substandard lot and therefore does not need to go before the P&Z Board for variance or approval.

Staff Recommendation: Approve the lot split.

Suggested Motion: I move we approve the lot split for 6320 Gibson Drive.

Alternatives: Do not approve

Fiscal Impact: None

Attachments: Lot Split Application

2019-01-022
RECD 1/15/19
321-246-6969.

Lawrence A. Elferdink
6320 Gibson Dr.
Belle Isle, FL 32809

January 7, 2019

City of Belle Isle Commissioners
Commissioners
1600 Nela Ave
Belle Isle, FL 32809

Dear City of Belle Isle Commissioners:

I Lawrence A. Elferdink am the sole owner of the property located at 6320 Gibson St. Belle Isle, FL 32809. I am requesting to split the lot. The reason for the request is to sell what would be the back lot and continue to live at the front lot as my homestead property.

Thanking you for your time and consideration,

Sincerely,

Lawrence A. Elferdink

Lawrence A. Elferdink swore before me on 1/15/19
Proved identification with FL DL: E416-521-48-256-0

Jacqueline Stewart



Prepared by and Return to:
THOMAS R. OLSEN, ESQ.
2518 Edgewater Drive
Orlando, FL 32804
File No.:

Parcel ID #: 24-23-29-0600-02-040

DOC # 20090706439 B: 9970 P: 9311

12/03/2009 02:17:54 PM Page 1 of 2

Rec Fee: \$18.50 Doc Type: D

Deed Doc Tax: \$0.70

Intangible Tax: \$0.00

Mortgage Stamp: \$0.00

Martha O. Haynie, Comptroller

Orange County, FL

MB - Ret To: OLSEN LAW PARTNERS, LLP



WARRANTY DEED

THIS WARRANTY DEED is made this 17th day of November, 2009, by **TERRY L. ELFERDINK**, hereinafter called the "Grantor", to **LAWRENCE A. ELFERDINK**, whose mailing address is 6320 Gibson Drive in Orlando, FL 32809, hereinafter called the "Grantee":

WITNESSETH: That the Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee, his heirs and assigns forever, the following described land situate in Orange County, Florida, to wit:

Lot 4 through 8, Block B, BELLE ISLE ESTATES, according to the plat thereof as recorded in Plat Book L, Page 58, Public Records of Orange County, Florida. (Less: Begin at the Northwest corner of said Lot 4; thence run East 125 feet to the Northeast corner of said Lot 4; thence Southwesterly to a point on the West line of said Lot 4, said point lying 8 feet South of the aforesaid Northwest corner of Lot 4; thence run North 8 feet to the point of beginning.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anyway appertaining.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except for:

1. Taxes for the current year and all subsequent years.
2. Covenants, restrictions, easements and limitations of record, if any, but not to reimpose the same.
3. Zoning ordinances.

Grantor swears and affirms that the property conveyed herein is not his homestead and, in fact, his homestead is located at 4272 Bellaire Dr. in Spring Hill, FL 34607.

"Grantor" and "Grantee" are used for singular and plural, as context requires.

The preparer of this instrument has not examined title to the property, has utilized legal descriptions provided by the grantor, and has relied upon the representations of the grantor that grantor is the holder of title to the property. Accordingly, the preparer disclaims any liability or responsibility that may result from the failure of grantor to hold such title in the manner represented.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

Nora McKinney
Witness Signature

Nora McKinney
Printed Witness Name

Linda M. Kinney
Witness Signature

Linda M. Kinney
Printed Witness Name

STATE OF North Carolina
COUNTY OF Mitchell

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared TERRY L. ELFERDINK, personally known by me or who has presented a driver's license as identification and who did not take an oath, to me known to be the person described in and who executed the foregoing and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State on November 10, 2009.

(SEAL)

Paula D. Pittman
Notary Public Signature

Paula D. Pittman
Printed Notary Name

My Commission Expires: 05-02-2012

BOUNDARY SURVEY

LEGAL DESCRIPTION

BEGIN AT THE SOUTHEAST CORNER OF LOT 6 BLOCK B, BELLE ISLE ESTATES, AS RECORDED IN PLAT BOOK L, PAGE 58, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.; THENCE NORTHERLY ALONG THE WESTERLY RIGHT OF WAY OF GIBSON DRIVE FOR A DISTANCE 150.00 FEET, TO THE NORTHEAST CORNER OF LOT 8 BLOCK B, THENCE WEST ALONG SAID NORTH LINE, WITH AN INCLUDED ANGLE OF 95°54' AND A DISTANCE OF 125.00 FEET TO THE NORTHWEST CORNER OF LOT 8 BLOCK B, THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOT 8 BLOCK B, WITH AN INCLUDED ANGLE OF 84°06' AND A DISTANCE OF 50.00 FEET TO THE SOUTHWEST CORNER OF LOT 8 BLOCK B, THENCE WESTERLY WITH AND INCLUDED ANGLE OF 272°14', AND A DISTANCE OF 4.73 FEET TO A POINT THAT IS 0.30 FEET SOUTH OF THE NORTH LINE OF LOT 4 BLOCK B, THENCE SOUTH, WITH AN INCLUDED ANGLE OF 93°40', FOR A DISTANCE OF 99.17 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF DELIA AVENUE, SAID POINT BEING 15.00' WEST OF THE SOUTHWEST CORNER OF LOT 6 BLOCK B, THENCE EAST ALONG SAID NORTH RIGHT OF WAY, WITH AN INCLUDED ANGLE OF 90°00', FOR A DISTANCE OF 140.00 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING AND BEING IN ORANGE COUNTY FLORIDA. PARCEL CONTAINS 19630.78 SQUARE FEET OR 0.450 ACRES MORE OR LESS.

SYMBOL DESCRIPTIONS:

- | | | | |
|--|----------------------|--|-------------------|
| | = CATCH BASIN | | = MISC. FENCE |
| | = CENTERLINE ROAD | | = PROPERTY CORNER |
| | = COVERED AREA | | = UTILITY BOX |
| | = EXISTING ELEVATION | | = UTILITY POLE |
| | = HYDRANT | | = WATER METER |
| | = MANHOLE | | = WELL |
| | = METAL FENCE | | = WOOD FENCE |

ABBREVIATION DESCRIPTION:

- | | |
|----------|----------------------------------|
| A/C | AIR CONDITIONER |
| C | CENTERLINE |
| Δ | CENTRAL / DELTA ANGLE |
| I.D. | IDENTIFICATION |
| L | LENGTH |
| LB | LICENSED BUSINESS |
| N.A.V.D. | NORTH AMERICAN VERTICAL DATUM |
| N.G.V.D. | NATIONAL GEODETIC VERTICAL DATUM |
| O.H. | OVERHEAD UTILITIES |
| P.C. | POINT OF CURVATURE |
| P.C.C. | POINT OF COMPOUND CURVE |
| P.K. | PARKER KYLON NAIL |
| P.R.C. | POINT OF REVERSE CURVE |
| PSM | PROFESSIONAL SURVEYOR MAPPER |
| P.T. | POINT OF TANGENCY |
| R | RADIAL / RADIUS |
| R/W | RIGHT OF WAY |

SURVEY NOTES

- CONC. DRIVE CROSSING OVER PROPERTY LINE ON THE SOUTHERLY SIDE OF LOT.
- THERE ARE FENCES NEAR THE BOUNDARY OF THE PROPERTY.
- PROPERTY SUPPLIED BY CITY WATER AND SEWER.

GENERAL NOTES:

- 1) LEGAL DESCRIPTION PROVIDED BY OTHERS
- 2) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- 3) UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- 4) WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- 5) ONLY VISIBLE ENCROACHMENTS ARE LOCATED.

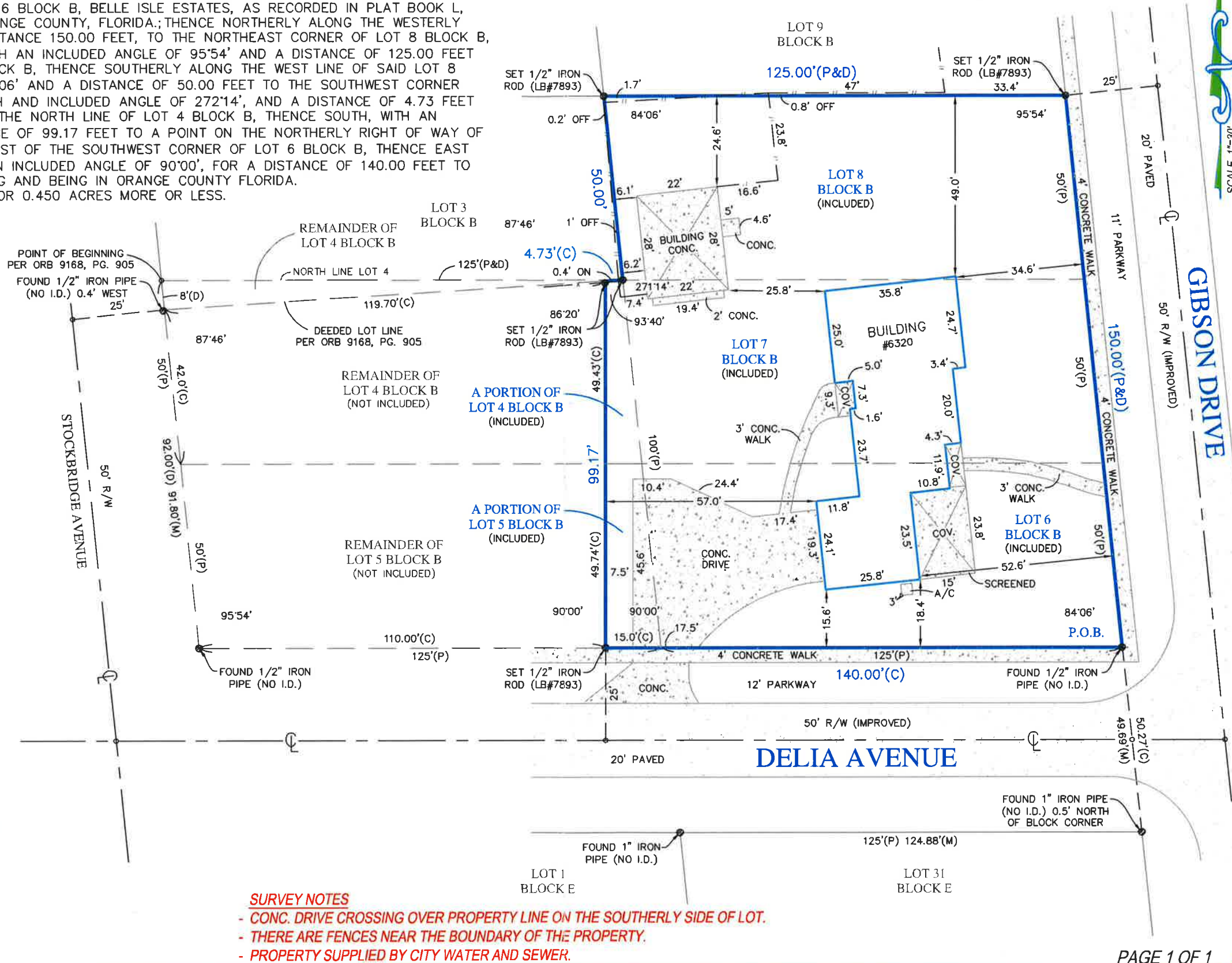
- 6) DIMENSIONS SHOWN HEREON ARE PLAT AND MEASURED UNLESS OTHERWISE NOTED
- 7) FENCE OWNERSHIP NOT DETERMINED
- 8) ELEVATIONS, IF SHOWN, ARE BASED ON N.G.V.D. 1929 DATUM, UNLESS OTHERWISE NOTED.
- 9) IN SOME INSTANCES, GRAPHIC REPRESENTATION HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES, DIMENSIONS SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.

REVISIONS:

SURVEYORS CERTIFICATE:
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE
AND CORRECT REPRESENTATION OF A SURVEY PREPARED
UNDER MY DIRECTION. NOT VALID WITHOUT A RAISED
EMBOSSED SEAL AND SIGNATURE.

(GNE)

KENNETH J OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415



SERVING FLORIDA

6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 226-4807
WEBSITE: <http://targetsurveying.net>

BOUNDARY SURVEY

LEGAL DESCRIPTION

LOTS 4 THROUGH 8, BLOCK B, BELLE ISLE ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK L, PAGE 58, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. LESS: BEGIN AT THE NORTHWEST CORNER OF SAID LOT 4, BLOCK B; THENCE RUN EAST 125 FEET TO THE NORTHEAST CORNER OF LOT 4; THENCE SOUTHWESTERLY TO A POINT ON THE WEST LINE OF SAID LOT 4, SAID POINT LYING 8 FEET SOUTH OF THE AFORESAID NORTHWEST CORNER OF LOT 4; THENCE RUN NORTH 8 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING AND BEING IN ORANGE COUNTY FLORIDA. PARCEL CONTAINS 30,587.11 SQUARE FEET OR 0.702 ACRES MORE OR LESS.

SYMBOL DESCRIPTIONS:

	= CATCH BASIN		= MISC. FENCE
	= CENTERLINE ROAD		= PROPERTY CORNER
	= COVERED AREA		= UTILITY BOX
	= EXISTING ELEVATION		= UTILITY POLE
	= HYDRANT		= WATER METER
	= MANHOLE		= WELL
	= METAL FENCE		= WOOD FENCE

ABBREVIATION DESCRIPTION:

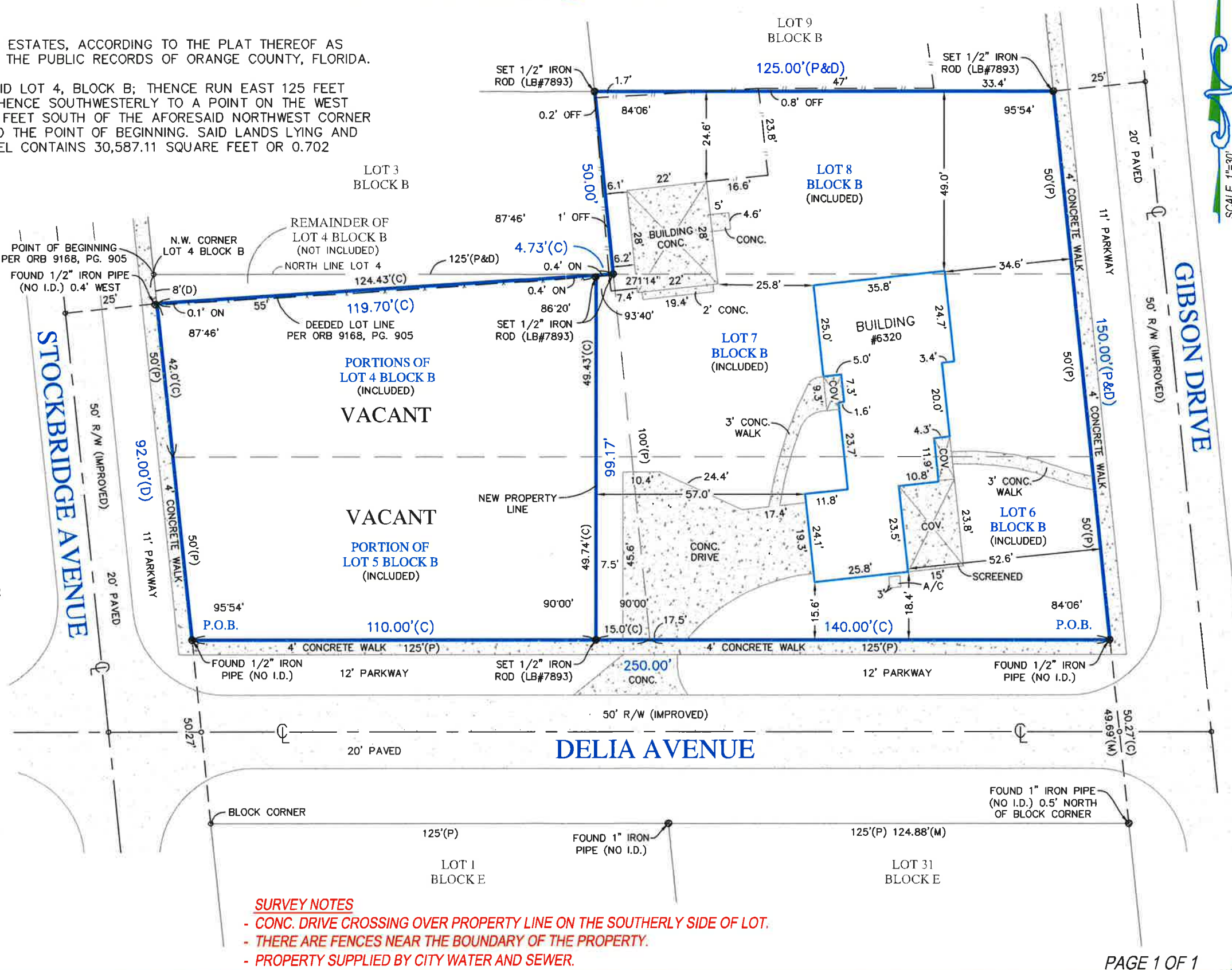
A/C	AIR CONDITIONER
C	CENTERLINE
Δ	CENTRAL / DELTA ANGLE
I.D.	IDENTIFICATION
L	LENGTH
LB	LICENSED BUSINESS
N.A.V.D.	NORTH AMERICAN VERTICAL DATUM
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM
OHL	OVERHEAD UTILITIES
P.C.	POINT OF CURVATURE
P.C.C.	POINT OF COMPOUND CURVE
P-K	PARKER KYLON NAIL
P.R.C.	POINT OF REVERSE CURVE
PSM	PROFESSIONAL SURVEYOR MAPPER
P.T.	POINT OF TANGENCY
R	RADIAL / RADIUS
R/W	RIGHT OF WAY

GENERAL NOTES:

- LEGAL DESCRIPTION PROVIDED BY OTHERS
- THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
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- DIMENSIONS SHOWN HEREON ARE PLAT AND MEASURED UNLESS OTHERWISE NOTED
- FENCE OWNERSHIP NOT DETERMINED
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- IN SOME INSTANCES, GRAPHIC REPRESENTATION HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES, DIMENSIONS SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.

REVISIONS:



SCALE 1"=30'

SERVING FLORIDA

TARGET
SURVEYING, LLC

SURVEYORS CERTIFICATE:
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE
AND CORRECT REPRESENTATION OF A SURVEY PREPARED
UNDER MY DIRECTION. NOT VALID WITHOUT A RAISED
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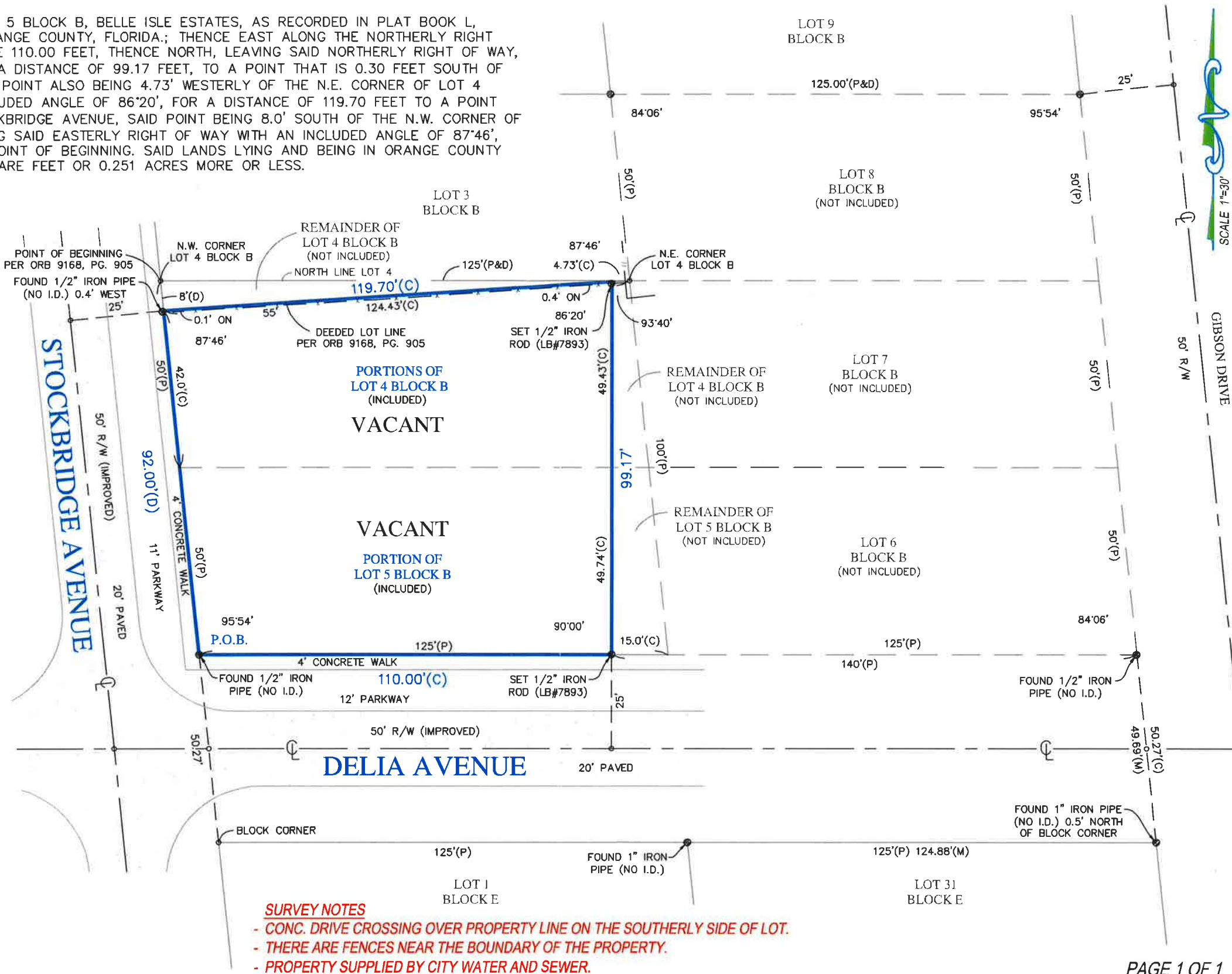
Kenneth J Osborne

KENNETH J OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

BOUNDARY SURVEY

LEGAL DESCRIPTION

BEGIN AT THE SOUTHWEST CORNER OF LOT 5 BLOCK B, BELLE ISLE ESTATES, AS RECORDED IN PLAT BOOK L, PAGE 58, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.; THENCE EAST ALONG THE NORTHERLY RIGHT OF WAY OF DELIA AVENUE FOR A DISTANCE 110.00 FEET, THENCE NORTH, LEAVING SAID NORTHERLY RIGHT OF WAY, WITH AN INCLUDED ANGLE OF 90°00', FOR A DISTANCE OF 99.17 FEET, TO A POINT THAT IS 0.30 FEET SOUTH OF THE NORTH LINE OF LOT 4 BLOCK B, SAID POINT ALSO BEING 4.73' WESTERLY OF THE N.E. CORNER OF LOT 4 BLOCK B, THENCE WESTERLY WITH AN INCLUDED ANGLE OF 86°20', FOR A DISTANCE OF 119.70 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF STOCKBRIDGE AVENUE, SAID POINT BEING 8.0' SOUTH OF THE N.W. CORNER OF LOT 4 BLOCK B, THENCE SOUTHERLY ALONG SAID EASTERLY RIGHT OF WAY WITH AN INCLUDED ANGLE OF 87°46', FOR A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING AND BEING IN ORANGE COUNTY FLORIDA. PARCEL CONTAINS 10,956.33 SQUARE FEET OR 0.251 ACRES MORE OR LESS.



SYMBOL DESCRIPTIONS:

- [Symbol] = CATCH BASIN
- [Symbol] = CENTERLINE ROAD
- [Symbol] = COVERED AREA
- + x.xx = EXISTING ELEVATION
- [Symbol] = HYDRANT
- [Symbol] = MANHOLE
- [Symbol] = METAL FENCE
- [Symbol] = MISC. FENCE
- [Symbol] = PROPERTY CORNER
- [Symbol] = UTILITY BOX
- [Symbol] = UTILITY POLE
- [Symbol] = WATER METER
- [Symbol] = WELL
- [Symbol] = WOOD FENCE

ABBREVIATION DESCRIPTION:

- A/C = AIR CONDITIONER
- C = CENTERLINE
- Δ = CENTRAL / DELTA ANGLE
- I.D. = IDENTIFICATION
- L = LENGTH
- LB = LICENSED BUSINESS
- N.A.V.D. = NORTH AMERICAN VERTICAL DATUM
- N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
- O.H. = OVERHEAD UTILITIES
- P.C. = POINT OF CURVATURE
- P.C.C. = POINT OF COMPOUND CURVE
- P.K. = PARKER KYLON NAIL
- P.R.C. = POINT OF REVERSE CURVE
- PSM = PROFESSIONAL SURVEYOR MAPPER
- P.T. = POINT OF TANGENCY
- R = RADIAL / RADIUS
- R/W = RIGHT OF WAY

SURVEY NOTES

- CONC. DRIVE CROSSING OVER PROPERTY LINE ON THE SOUTHERLY SIDE OF LOT.
- THERE ARE FENCES NEAR THE BOUNDARY OF THE PROPERTY.
- PROPERTY SUPPLIED BY CITY WATER AND SEWER.

GENERAL NOTES:

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REVISIONS:

SURVEYORS CERTIFICATE:
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. NOT VALID WITHOUT A RAISED EMBOSSED SEAL AND SIGNATURE.

KENNETH J OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415



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

Meeting Date: February 19, 2019

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: BING Grant for Lake Conway Shores

Background: Last year, Lake Conway Shores HOA applied for a BING Grant in the amount of \$8,750 to replace the pavilion at the lake lot that was destroyed by Hurricane Irma. Due to the storm water project that took place in LCS, the pavilion could not be built last year and BING Funds do not carry over to the next year. LCS HOA is again requesting funding. According to the BING rules, 50% of the project is funded by the City; however, the HOA should receive 100%, as all BING grants funded last year were for 100%. Commissioner Gold allocated his \$7,000 in BING Funds to this project and Commissioners Nielsen and Carugno each contributed \$500 of their BING Funds. Plans for the structure have been approved and are on file in the City Manager's Office.

Staff Recommendation: Approve the BING grant for \$8,000

Suggested Motion: I move we approve the Lake Conway Shores BING application for the pavilion project in the amount of \$8,000.

Alternatives: Do not approve or fund a different amount.

Fiscal Impact: \$8,000 from BING allocation

Attachments: None (Plans are in City Hall)



CITY OF BELLE ISLE
NEIGHBORHOOD PRIDE GRANTS

Grant Application

Submit the original application along with any attachments to The City of Belle Isle, 1600 Nela Avenue, Belle Isle FL 32809. Grants will be awarded on a first come, first served basis by district.

PLEASE PRINT

Applicant Contact Information

Applicant Organization Name: Lake Conway Shores HOA
Project Contact Name: Ben Rivera
Mailing Address: 3317 Honeysuckle Lane
Belle, Isle FL 32812
City, State Zip
Daytime Phone: 407-826-0216 Evening Phone: same
Email: Ben.Rivera@Cru.org

ALTERNATIVE CONTACT INFORMATION

Alternate Contact Name: Linda Albine
Daytime Phone: 321-514-7531 Evening Phone: 407-857-7353
Email: tuxedo spike @ CFL.rr.com

GRANT INFORMATION

Type of Project — please select all that apply:

- ☐ Landscaping
- ☐ Reader Board Sign
- ☐ Ground Lighting
- ☐ Wall/Fence pressure washing and or painting
- ☐ Irrigation "Repairs"

- ☐ Fountains
- ☒ Other (please explain)
- ☐ Project Street Address or Nearest Intersection:

Total amount of project: \$8,000 +
Grant amount requested: \$8,000
Neighborhood participation amount (remainder of invoice) \$750

Lake lot Pavilion rebuild
Destroyed by hurricane
Irma. This is a
re-application since
our program was
put on hold due to
major drainage project
in neighborhood.

Drainage project
should be done
later this year.
After sod is installed
Pavilion construction can
finally begin in March(?)

2/19
Appendix

PROJECT INFORMATION

Please provide the answers to the following questions.

1. Description of the Project - This summary should provide an overview of the entire project; include what improvements will be constructed, installed, or applied. Remember to demonstrate the need for the project.

During hurricane Irma September 10, 2017, the Lake Lot pavilion in Lake Conway Shores was completely destroyed.

2. State the location and land ownership of the proposed project - Is the project on public property? (Right-of-way use agreement/permit will be required.) Please state the exact location of the project, including an address or cross streets.

The Lake Lot for Lake Conway Shores is on Jade Circle facing Lake Conway. It is part of the HOA.

3. Attach 2-5 photos, and include a brief description of each photo. Please also provide the original color photos.

See www.LakeConwayShores.org/about-lcs for pavilion as it once stood.

4. Project Maintenance: Describe how the property has been maintained in the past, and how the project will be maintained and by whom after it is completed.

We have a Landscaping Company that keeps up all of the public areas in our HOA, including the Lake Lot.

5. Describe why this project is important to the community. Provide a brief summary of how the project will enhance the quality of life in the community. How will this project empower your organization to work together to accomplish common goals and objectives? (i.e., to improve neighborhood communication and participation).

our lake lot is critical to our HOA and property values. Replacing our pavilion is an important part for our 2-3 HOA picnics & meetings each year. Boating is also imp. to our HOA.

BING TEAM ROSTER

Each organization is required to have at least a 3 to 5 member team who will help plan and implement your community project. Team members will be required to sign the team member roster as a part of the grant application. Each team member must indicate his or her role/responsibility on the team.

PRINT NAME & SIGNATURE	ADDRESS/PHONE/EMAIL	ROLE/RESPONSIBILITY
Print Linda Albino	5202 Jade Cir	
Signature Linda Albino	Belle Isle, FL 32812	Property
Print Benjamin L. Rivera	3317 Honeysuckle Ln	President - HOA
Signature Benjamin L. Rivera	Belle Isle, FL 32812	Lake Conway Shores
Print Cathy Pope	3318 Honeysuckle Ln	President - HOA
Signature Cathy Pope	Belle Isle, FL 32812	property owner
Print		
Signature		
Print		
Signature		

SUGGESTED TEAM ROLES: PROJECT MANAGER - Team Captain. Responsible for leading project, getting a group consensus on which project the group wants to pursue. ASST PROJECT MANAGER - Co-Captain. Will work in concert with the project manager and assist obtaining quote(s) once the project idea has been decided upon. This position can also serve as the "Fund Watcher" monitoring project expenses. APPLICATION WRITER - will work with project manager in organizing and developing BING application and submitting final report and pictures upon completion of project.

BELLE ISLE NEIGHBORHOOD GRANTS (BING)

BUDGET AND GRANT REQUEST		
NAME OF BUSINESS	TOTAL COST	DESCRIPTION OF SERVICES
Southern Trim Carpentry Richard Mackay Remodeling	\$8,000	complete construction of new pavilion up to code, permits and according to architectural design.
TOTAL AMOUNT OF PROJECT	\$8,000	
GRANT AMOUNT REQUESTED	\$8,000	
NEIGHBORHOOD PARTICIPATION AMOUNT (REMAINDER OF INVOICE)	\$750	



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

Meeting Date: February 19, 2019

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Settlement Agreement with Juan Carlos Gil

Background: In November 2018, the City was notified it was being sued by Juan Carlos Gil. The complaint was that Mr. Gil, who is determined to be legally blind, could not successfully navigate our website or review any records from our website because our computer system could not translate written text to voice; therefore our website is not considered ADA compliant. The City contacted the City's insurance company and the insurance company negotiated a settlement agreement with Mr. Gil's attorney.

According to the FLC attorney, Juan Carlos Gil has filed about 219 lawsuits in federal court. Of those, about 32 have been against municipalities; 17 have been against counties; a couple have been against other constitutional officers (sheriffs, clerks, etc.); and the rest have been against businesses. There is another plaintiff (Joel Price) that has sued multiple municipalities and counties with the same lawyer (Scott Dinin).

Since this time, the City has contacted other municipalities and companies that specialize in ADA compliance.

Staff Recommendation: Approve the Settlement Agreement.

Suggested Motion: I move we approve the Settlement Agreement with Juan Carlos Gil and have the Mayor sign the Agreement.

Alternatives: Do not approve and go to court.

Fiscal Impact: \$8,000 (paid by FLIT)

Attachments: Settlement Agreement

SETTLEMENT AGREEMENT AND RELEASE

Plaintiff alleges that he is visually impaired and that certain content on Defendant's website, www.cityofbelleislefl.org, is not accessible to visually-impaired individuals who use screen reader software (the "allegations"). As a result, Plaintiff claims he has been denied access to certain content on Defendant's website. Plaintiff filed a lawsuit asserting a claim under Title II of the Americans with Disabilities Act of 1990 and under Section 505 of the Rehabilitation Act of 1973 through which Section 504 of the Rehabilitation Act of 1973 is enforced. Defendant and Insurer have denied and continue to deny any wrongdoing and have denied and continue to deny any liability for the allegations, but desire to enter into a compromise settlement of the Lawsuit in good faith, to avoid future litigation and attendant costs.

Therefore, for valuable consideration, in order to resolve and settle finally, fully and completely all matters or disputes that now exist or may exist between them, the parties hereby enter into this Settlement Agreement and Release (also referred to as the "Release" or "Settlement Agreement") and hereby agree as follows:

Definitions

1. **Plaintiff:** "Plaintiff" shall mean Juan Carlos Gil, as well as his executors, administrators, personal representatives, successors and assigns, and any other person in privity with him.
2. **Defendant:** "Defendant" shall mean the City of Belle Isle, Florida; its past, present, and future elected officials, employees, agents, attorneys, representatives, council members, officers, directors, administrators, and managers, all individually and in their official capacities.
3. **Insurer:** "Insurer" shall include the insurers and third-party administrators of the Defendant, including the Florida Municipal Insurance Trust and the Florida League of Cities; as well as their respective agents, officers, officials, employees, representatives, attorneys, successors, assigns, and any other entity or person in privity with jointly or severally.
4. **The Lawsuit:** The "Lawsuit" is defined as the lawsuit styled *Juan Carlos Gil v. City of Belle Isle, Florida*, Case Number 6:18-cv-1789-JA-TBS, filed in the United States District Court for the Middle District of Florida, the factual allegations and circumstances underlying the lawsuit, and any and all potential legal claims which could have been asserted in the proceeding against Defendant.

Terms and Releases

1. **Settlement Amount.** Defendant, by and through the Insurer, will issue to Plaintiff and his attorneys settlement proceeds in the total amount of Eight Thousand Dollars (\$8,000.00). The settlement proceeds are inclusive of fees and costs. Neither party shall be construed to be a prevailing party for the purpose of a court award of fees and costs. The proceeds will become due within a reasonable time upon execution of this Settlement Agreement and Release.

The settlement amount fully satisfies each and every claim in the Lawsuit, and fully satisfies any and all claims for damages, attorneys' fees, costs, and expenses which Plaintiff or Plaintiff's attorneys may have in connection with the Lawsuit

2. **Dismissal with Prejudice:** Within one business day of the execution of this Settlement Agreement and Release, the parties will file a Joint Stipulation of Dismissal with Prejudice of the Lawsuit. The Joint Stipulation of Dismissal with Prejudice will dismiss the Lawsuit with prejudice and will state that each party will bear its own attorneys' fees and costs.

3. **Release and Indemnification by Plaintiff:** In exchange for and in consideration of the obligations and rights set forth herein, Plaintiff releases, acquits and forever discharges the Defendant and the Insurer, of and from any and all claims, appeals, causes of action, suits, debts, dues, sums of money, damages, claims for attorney's fees, judgments, and demands whatsoever, in law or in equity, which Plaintiff ever had, now has, or hereinafter may have against Defendant and Insurer, including without limitation any and all claims that were or could have been brought in the Lawsuit. This Release includes any claims for compensatory damages, injunctive relief, declaratory relief, punitive damages, interest, costs, attorney's fees, civil rights violations, violations of Title II of the Americans with Disabilities Act, violations of Section 504 of the Rehabilitation Act, claims brought pursuant to Section 505 of the Rehabilitation Act, claims brought under 42 U.S.C. § 1983, claims for violation of the Fourteenth Amendment to the United States Constitution, federal claims, state claims, statutory claims, common law claims, or any other claim or damage of any nature whatsoever.

Plaintiff agrees to indemnify, protect, and save harmless Defendant and Insurer from all judgments, any and all liens, costs, and expenses whatsoever arising on account of any action, claim or demand which may be brought hereafter by any person or entity, on account of any injury, loss or damages resulting from the allegations or the Lawsuit. Plaintiff further agrees that at the time of the execution of this Settlement Agreement and Release there are not outstanding claims by way of reimbursement or subrogation by insurance carriers, medical providers, or other entities for amounts paid on behalf of Plaintiff by reason of the allegations or Lawsuit. Alternatively, if there are outstanding claims, Plaintiff will fully satisfy and resolve those claims and will indemnify and hold Defendant and Insurer harmless from such claims and will satisfy any such outstanding claims which may be outstanding at present time, including but not limited to, any hospital liens, medical liens, insurance liens, attorney liens, or liens held by Medicare, Medicaid, or any other federal or state agency.

4. **Accessibility of PDF Content on www.cityofbelleislefl.org.** Beginning March 1, 2021, Defendant will begin to publish any new Portable Document Format (PDF) content on www.cityofbelleislefl.org so that such new PDF content is accessible to individuals who are visually-impaired. Such new PDF content will conform to the existing WCAG 2.0 Level A guidelines for accessibility.

Defendant is not obligated to remediate PDF content that already exists on www.cityofbelleislefl.org before March 1, 2021.

Regardless of any other provision of this Settlement Agreement, Defendant is not obligated by this Settlement Agreement to make any record, document, electronic file, or other material (including, without limitation, third-party submissions to Defendant, development-related applications and supporting documents or materials, site plans, development plans, maps, surveys, drawings, schematics, documents with handwriting, and hard copy documents scanned or aggregated into PDF) accessible to individuals who are visually-impaired if such action is technically infeasible or unreasonably costly as reasonably determined by the City.

If any record, document, electronic file or other material published on www.cityofbelleislefl.org is not compatible with screen reader software and is required to be compatible, the City may as an alternative to making a particular record, document, electronic file or other material compatible with screen reader software, offer to read such document to a visually-impaired individual within 5 business days of a request. The offer to read may be in the form of a statement offering a reader on the website's accessibility statement.

Defendant is not obligated by this Settlement Agreement to make accessible to individuals who are visually-impaired any web page or web content on any domain other than www.cityofbelleislefl.org, regardless of whether Defendant provides any link from www.cityofbelleislefl.org to any such other domain.

Defendant is not obligated by this Settlement Agreement to make accessible to individuals who are visually-impaired any document not created or posted by Defendant.

Should the United States promulgate any regulation or enact legislation requiring that state and local governments make web content accessible to visually-impaired individuals, Defendant shall not be required, as of the effective date of such regulation or legislation, by this Settlement Agreement to make any content on www.cityofbelleislefl.org accessible in any manner or to any degree greater than that which may be required by such regulation or legislation.

5. **Resolution of Disputes.** If any of the parties hereto claim that any portion of this Settlement Agreement and Release have been violated ("breach"), the party alleging the breach will give written notice (including reasonable particulars), of such violation to the party alleged to be in breach. The party alleged to be in breach of the settlement agreement will respond to such written notice of breach no later than sixty calendar (60) days after ("Cure Period"). If the parties are unable to reach a mutually acceptable resolution during the Cure Period, or an extension thereof, the party alleging a breach of this agreement may seek enforcement of compliance with this Settlement Agreement.

6. **No Admission of Fault:** By entering into this Settlement Agreement, Defendant does not admit any liability to the Plaintiff or to any other person arising out of any claims asserted, or that could have been asserted in the Lawsuit, and expressly denies any and all such liability. Defendant enters into this Settlement Agreement at the advice of and in cooperation with the Insurer, to avoid further legal expenses and costs, disruption to its operations, and to otherwise avoid the vexations of litigation. Defendant and Insurer specifically deny liability for the claims brought by Plaintiff and deny any wrongdoing whatsoever.

7. **Severability:** Should a court or other competent authority render invalid any provision of this Settlement Agreement and Release, the parties agree that this shall not in any manner affect the enforceability of the other provisions.

8. **Voluntariness:** Plaintiff affirms and acknowledges that he has read the foregoing Settlement Agreement and Release, consulted with his attorney regarding its terms, that he fully understands the meaning of the terms, and that the Release is a voluntary, full and final compromise, release and settlement of all claims, demands, injuries, damages, actions or causes of action, known or unknown, against Defendant.

9. **Neutral Interpretation:** Any controversy over the construction of this Settlement Agreement and Release shall be decided neutrally and without regard to events of authorship or negotiation.

10. **Counterparts.** This Settlement Agreement and Release may be executed in counterparts and each executed counterpart shall be effective as the original. All faxed, emailed, or electronic signatures affirming this Settlement Agreement and Release constitute an original signature.

11. **Modifications or Amendments.** Modifications or amendments to this Settlement Agreement and Release must be in writing and executed by the parties.

12. **Final Settlement:** This Settlement Agreement and Release constitutes the complete understanding of the parties hereto and supersedes any and all prior agreements, promises, representations, or inducements, whether oral or written, concerning its subject matter. No promises or agreements made subsequent to the execution of this Settlement Agreement and Release by the parties shall be binding unless reduced to writing and signed by authorized representative of the parties.

13. **Signatures.** This Settlement Agreement and Release becomes effective upon the execution below by Plaintiff and Defendant.

For Juan Carlos Gil:

By: 
Juan Carlos Gil

Date: 2-8-19

For the City of Belle Isle

Date: _____

By: _____

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

<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>
Cornerstone Charter Academy Stormwater Discharge issue	In November, Orange County made City aware of turbidity issue with storm water discharge from CCA Property to OC Storm pipe. OC may fine City is not corrected.	1/11/2016	CM/CE	CLOSED	Water sampling revealed that there are high levels of nitrogen causing algae blooms. OCEPD reviewing fertilizer put on the field. Harris Engineering to use GPR to find any unrecorded pipes. City will divert water from drainage ditch to Wallace Field	CCA Maintenance Staff cleaned the bottom of the drainage box. It was about 1/4 filled with dirt. We think that may be the problem. When there was a heavy rain in December, there were no issues. Consider the issue CLOSED
Gene Polk Park (Delia Beach)	Drainage issue at Gene Polk Park caused erosion problems and makes the park unattractive. At least 3 plans have been developed for the drainage and Council allocated \$180,000 to correct the problem.	4/3/2017	CM/CE	9/30/2019	CM met with neighbors to go over plan. Neighbors will review plan as a group and then present their comments to City.	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. City responded to another FEMA information request on 2/13/19
Street Paving	Council approved project for paving several streets in the City. Middlesex Paving is the contractor	8/12/2017	PW/CM	9/30/2017 Completed for 2017	CM to consider change in the Scope of the Project to look at curb replacement.	Paving contractor preparing new estimate for reduced area.
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		LCS Project closed. Wind Drift Project plans finalized. Should be out for bid in 30 days
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. Community Meeting on TMP held on June 21, 2018. 20 residents attended. Community Survey was put on line. Consultant created proposed of goals and objectives. CM, DC met with OCPW to discuss city taking jurisdiction of several roads adjacent to city limits.	Traffic consultant finalizing plan; OC should start with changes on Hoffner at the Conway/Hoffner intersection;

Belle Isle Issues Log
2/19/19

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.	Waiting a power to be run to fountain. .
Wallace/Matchett Area	City purchased large area at Wallace/Matchett for open space. Issues with Wallace Street Plat in this area with people trespassing on private property. District 2 Comm. And CM met with residents to discuss solutions. Council met on June 14 and issues was discussed. Council directed that a fence would be erected around property. Dist. 2 Comm. and CM to meet with residents to discuss options for Wallace Street plat. Area is still zoned R-2.	6/14/2017	Dist.2 Comm and CM	9/30/2018	Fence installed. Zoning changed to OS. Agreement for CCA use of the field being reviewed by school. Trees planted as part of Arbor Day Celebration. Workshop held on development. CCA and City to review CCA draft plan.	Waiting on plan from CCA.
City acquisition of Property	Council discussed possibility of acquiring parcels within the City and directed City staff look at	3/20/2018	CM	8/31/2018	Staff is identifying possible parcels for purchase or other means of acquiring property. Cross lake purchase is on hold until County reschedules PH	Mayor/CM to meet with Commissioner Uribe and Adjacent property owner on Cross Lake. City contacted FDEP and Oak Island HOA for property off Kissam Court. Looking at FDEP property at east end of Cross Lake. City still waiting for information on BOA Building.
Charter School (CCA)	There has been infrastructure issues at Cornerstone for some time. The City owns the property and leases it to CCA. The City is responsible for replacing major systems at CCA according to the lease.	4/3/2017	CM	Ongoing	Capital Facility Plan complete. HVAC equipment to be here in July. CCA considering purchase of property. Roofs are being patched, not replaced at this time. Letter was sent to CCA Board asking for joint meeting and other Board issues.	CCA Board and City Council to hold joint meeting (TBD). Draft agenda sent to CCA Board Chair for review. CCA Consultant to meet with CM on a land lease idea.
Strategic Plan	The City currently has no Strategic Plan. Strategic planning is the process to develop a vision of what the City would like in 10, 15, or 20 years, based on forecasted needs and conditions. It defines goals and objectives to achieve those goals. It is not the same as the Comp Plan	4/3/2017	Council/C M	Ongoing	Council to decide if it wants a Strategic Plan and then to set up a process for developing the plan. If Council moves forward, an outside consultant should be hired to contact the meetings, gather the information, conduct the surveys and develop the draft plan.	Strategic Planning Session tentatively scheduled for May after City election.

Belle Isle Issues Log
2/19/19

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.	On-going
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.	On-going
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)	Quotes received for solar on BIPD. Information requested from CCA.
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.	Staff reviewing recommendations.
Tree Issues	There have been several issues regarding trees, tree care, and concerns on landscaping requirements to save trees. The City recently created a Tree Advisory Board that will review the standards of tree care	11/21/2017	CM Tree Board	9/18/2018	Tree Advisory Board to review current tree ordinances and processes for tree care, removal and protection. Arbor Day held. Tree ordinance back to Tree Board for further changes.	Tree Board is up and running. Ordiancne is aopted. Consider this issue CLOSED.
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.	Changes discussed at 2/5/19 meeting. Ordiancne being drafted.



CITY OF BELLE ISLE, FL

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

MEMORANDUM

From the Desk of Bob Francis, City Manager

To: Mayor and Council
Date: February 14, 2019
Re: Lake Conway Navigation Board Meeting

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

Synopsis of the February 12, 2019 Lake Conway Navigation Board Meeting

1. Public Comment:
 - a. Jennifer McDaniel addressed the Board about a Girl Scout project to mark storm drains in Belle Isle on April 13, 2019 from 9-11am. She stated she will be addressing the City Council on February 19 about the project.
 - b. City Manager Francis stated that the City just completed a storm water project in Lake Conway Shores and would like to see if debris collection baskets could be installed in new catch basins. Ms. Urbanik said they will look at the basin and see if they could be installed.
 - c. City Manager Francis stated that he was contacted by a resident about a gas tank at 2913 Cullen Lake Shore Drive that needed to be removed. Mr. Francis was making the Board aware of it and asked if the resident needs to contact OC EPD for guidance on removal. Ms. Urbanik said that they could start there, but it depended on the type of gas tank.
 - d. City Manager Francis stated that he heard from some residents about the channel markers that are being installed around the lake. He said he received good comments on them; however some comments were that when you approach them at a certain direction, they are difficult to see and he asked if they could be marked better, maybe with reflectors, so they are more visible. CPL Lowers, OCSO, said that some are difficult to see depending on the angle of approach. Ms. Urbanik will get with the contractor to see if they can be marked.
2. Comments from the Chairman: Chair Guthrie thanked the Board for voting her in as Chair. She also stated that she attended the FWC meeting to hear people give testimony on aquatic plant management.

3. EPD Report:

- a. Gatlin Maintenance Request: Resident on Old Mill Road asked if the accumulated sediment from the storm pipe could be removed. Ms. Urbanik will look at it and report back. Residents also reported that a large tree has fallen in the canal and it's now difficult to navigate. Ms. Urbanik will work with the HOA and contractor to get the tree removed.
- b. Millage Rate: Ms. Urbanik presented a spreadsheet of the Nav. Board budget for the past 7 years (attached). She stated that the Board might want to consider a millage increase from the current rate of .4107 to .49284 as there was a jump in routine services provided and the lake study will have projects that could be very costly. She reported the accumulated fund balance is \$2.1 million but a couple projects could wipe that out. City Manager Francis stated that an increase should not be considered at this time until the lake study is done, the projects are determined and prioritized, and a Capital Improvement Plan is developed for the projects. The Board asked when the study will be done. Ms. Urbanik stated that it could be as much as 6 months from now. Board members stated they are not inclined to recommend the increase until the study is completed. She stated they would have to make a recommendation by April.

4. Marine Patrol Report: CPL Bowers stated that between OCSO and BIPD they conducted 12 shifts, mostly on weekends.

5. Advisory Member Reports: Gary Meloon reported that he has been watching the Wallace Ditch and the runoff seems to be clear. Mr. Francis stated that the school cleaned the collection box inside of the wall and that appears to have been the problem with turbidity. He will have public works keep an eye on the ditch. Mr. Meloon also spoke about the drainage project on Matchett that was put on hold. He wanted to see with the status was. Ms. Urbanik will check. Bobby Lance reported that water is flowing over the weir and the lake is very clear. He also stated that he has been seeing eagles in the area which is a good sign.

6. Water Elevation Report: David Woods did not attend the meeting so no report was given. You can sign up for Lake Conway reports and important emails at <https://tecengr.yolasite.com/cnb.php>

7. Non-Agenda Items: None

8. The meeting adjourned at 7:50 PM.

Attachments

- Nav Board Agenda
- Minutes of 1/8/19 Meeting
- OCSO Marine Report
- Budget Spreadsheet

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

February 12, 2018 at 6:30 P.M. at the Orange County Facilities Management Training Room

PLEDGE OF ALLEGIANCE

- I. Call Meeting to Order
- II. Approval of the Minutes
- III. Public Comment
- IV. Comments of the Chairman
- V. Orange County EPD Report
 - Gatlin Maintenance Requests
 - Millage Rate
- VI. Marine Patrol Report
- VII. Advisory Board Member Report
 - Vice Chairman Bobby Lance
 - Micky Blackton
 - Gary Meloon
 - Frances Guthrie
- VIII. Lake Conway Water Elevation Report
- IX. Non - Agenda Items
- X. Meeting Adjourned

WHEN SPEAKING, PLEASE GIVE YOUR NAME AND ADDRESS

Section 286.0105, Florida Statutes states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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

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

**Lake Conway Water and Navigation Control District Advisory Board
Regular Meeting
Orange County Facilities Management Training Room
January 8, 2019**

Board Members Present: Bobby Lance (Vice-Chairman), Gary Meloon, and Micky Blackton

Board Members Absent: Frances Guthrie

Staff & Guests: Tara Urbanik, Orange County Environmental Protection Division (EPD); City Manager Bob Francis, City of Belle Isle; Sergeant Jeremy Millis, City of Belle Isle Police Department

Residents: Cindy Lance and David Woods

I. Call to Order

With a quorum present, Bobby Lance called the meeting of the Lake Conway Water and Navigation Control District Advisory Board (Advisory Board) to order at 6:31 p.m.

II. Approval of the December 11, 2018 Meeting Minutes

Upon a motion by Micky Blackton, seconded by Gary Meloon, and carried with all present members voting AYE by voice vote, with Frances Guthrie being absent; the Advisory Board approved the December 11, 2018 meeting minutes.

III. Public Comment on Propositions before the Advisory Board

No public comments.

IV. Comments of the Chairman

Vice-Chairman Lance stated it is a new year, the Advisory Board has a lot to get done, and is looking forward to receiving the results of the Lake Conway Stormwater Study.

V. Orange County EPD Report

Chair Elections

Upon a motion by Bobby Lance, seconded by Micky Blackton, and carried with all present members voting AYE by voice vote, with Frances Guthrie being absent; the Advisory Board approved Frances Guthrie as Chair and Gary Meloon as Vice-Chair.

Routine Services

Ms. Urbanik provided a handout of the routine services on the lake, conducted by County term contractor. Discussion ensued.

VI. Marine Patrol Report

No update.

VII. Advisory Board Member Report

- Vice Chair Gary Meloon: Vice Chair Meloon stated the north side of the Venetian Canal recently had a layer of green film on the surface of the water. The City of Orlando has billboards for environmental awareness and asked if the County can promote a similar type of public education.
- Bobby Lance: Discussed the presence of the “blind mosquito” (freshwater midge) on Lake Conway and requested additional information.
- Micky Blackton: Mr. Blackton apologized for missing the December 2018 meeting.

VIII. Lake Conway Water Elevation Report

Mr. Woods presented his water elevation report.

IX. Non-Agenda Items

Ms. Urbanik received a citizen request to review a possible buildup of sediment at the mouth of a stormwater outfall in Lake Gatlin.

X. Meeting Adjourned

Vice Chair Meloon adjourned the meeting at 7:15 p.m.

Frances Guthrie, Chair

Date

Minutes prepared by Tara Urbanik

Date



Lake Conway Marine Patrol Report



Orange County Sheriff's Office & Belle Isle Police Department

Jan-19

Dates	OC SO BIPD OC SO BIPD OC SO BIPD OC SO BIPD OC SO BIPD OC SO BIPD OC SO BIPD OC SO BIPD OC SO BIPD OC SO BIPD OC SO BIPD OC SO BIPD OC SO BIPD OC SO BIPD																Total
	5	5	6	12	12	12	13	19	19	20	26	26	27				12
Arrests																	
Felony																	0
Misdemeanor																	0
Warrant Arrests																	0
Productivity																	
Field Intelligence Reports																	0
Dispatched Calls for Service																	0
Reports Written																	0
Vessels Observed on Lake	14	3	13	12	12	12	40	6	11	24	8	15	8				1
Vessel Accidents																	34
Vessel Stops	5	1	3	2	4	9	1	1	2	3	1	3					2
PWC Citations Issued			1			1											1
Boating Citations Issued										1							15
PWC Warnings Issued			1				8		2			4					7
Boating Warnings Issued							2	1	2	2							16
Vessel Inspections	3	1	1	1	2	2	2	1	2	1	1	1					47
Ramp Checks	4	3	4	9	4	4	1	13	4	4		1					2
Patrol Assists/Back-Ups											2						
Hours Worked	5	5	8	5	8	8	8	5	8	8	5	8	6.5				79.5

Comments: Nothing significant to report.

County Fiscal Year (FY) runs Oct 1 - Sept 30

Total fund balance as of 2/6/2019: \$2,152,646
Maximum millage rate allowed is 2.0

Lake Conway Water and Navigation Control District Budget										
DESCRIPTION	ACTUAL SPENT FY 2012-2013	ACTUAL SPENT FY 2013-2014	ACTUAL SPENT FY 2014-2015	ACTUAL SPENT FY 2015-2016	ACTUAL SPENT FY 2016-2017	ACTUAL SPENT FY 2017-2018	BUDGETED FOR CURRENT YEAR FY 2018-2019	PROJECTED REVENUE FY 2019-2020	STAFF COMMENTS	
1 Property Appraiser	\$2,580.57	\$2,660.16	\$2,783.19	\$2,749.40	\$2,649.84	\$2,971.37	\$3,512.00			
2 Tax Collector	\$6,320.28	\$6,380.60	\$6,634.97	\$6,896.73	\$7,146.96	\$7,547.02	\$8,422.00			
3 Off-Duty lake patrol & County staff time chargebacks	\$35,188.66	\$48,397.25	\$25,023.48	\$69,153.15	\$95,630.89	\$137,872.76	\$144,000.00		Starting in 2016-2017, this line item is solely used for lake patrol and staff time chargebacks	
4 Ferncreek gatekeeper	\$36,860.00	\$53,215.00	\$39,200.00	\$8,215.00	\$2,920.00	\$2,920.00	\$3,000.00		Prior to 2016-2017, some lake patrol was funded out of this line item. Since then, this line is only used for the gatekeeper, hence the decrease in expenditure	
5 Routine Services: street sweeping, curb inlet baskets, baffle box maintenance, lake related contracted services, nav markers, study recommendations	\$110,152.17	\$153,869.91	\$135,240.08	\$216,149.67	\$189,835.53	\$141,762.55	\$790,594.00		Funds are budgeted in this line to be readily available for water quality BMPs and projects resulting from the Study. Project phases can include feasibility, engineering and design, bidding, construction, and monitoring.	
6 Misc Operating Supplies	\$98.83	\$132.95	\$67.92	\$162.00	\$1,556.73	\$868.84	\$1,000.00		In 2016, FWC stocked an additional 2500 triploid grass carp (TGC) into the Conway Chain. The TGC are currently effective at managing hydrilla, but there is potential for future hydrilla expansion. Funding may be required for herbicides or other control methods.	
7 Aquatic Plant Management herbicide cost	\$45,959.25	\$37,126.20	\$5,262.40	\$12,998.40	\$28,707.85	\$21,790.19	\$100,000.00		Over the years, the annual expenditures have been close to the amount of annual revenue, resulting in limited extra funds being accrued for future water quality BMPs or APM.	
8 TOTAL EXPENDITURES	\$238,259.30	\$301,784.45	\$214,508.56	\$316,324.57	\$328,447.80	\$315,732.73			Millage increase of 20% shown for FY19-20 for discussion purposes.	
MILLAGE RATE	0.4107	0.4107	0.4107	0.4107	0.4107	0.4107		0.49284		
9 TOTAL REVENUES	\$365,394.31	\$357,758.07	\$370,679.99	\$378,964.00	\$373,272.97	\$388,875.35	\$410,526.00	\$492,631.20	Estimated \$82k in additional revenue based on 20% millage increase (estimated from current year market value).	
10 DIFFERENCE OF REVENUE VS EXPENSE	\$127,135.01	\$55,973.62	\$156,171.43	\$62,639.43	\$44,825.17	\$73,142.62				
11 RESERVES	\$1,308,343.00	\$1,135,215.00	\$1,451,291.00	\$1,244,039.00	\$1,233,700.00	\$891,033.00	\$1,176,799.00			