



city council agenda

Agenda
October 30, 2018 * 6:30 PM
City Council Regular Session
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 - Vice Mayor Readey - Commissioner District 5
3. Consent Items
 - [a.](#) Proclamation declaring October 2018 and Breast Cancer Awareness Month – Page 3
 - [b.](#) Approval of the City Council Regular session minutes – October 2, 2018 – Page 4
 - [c.](#) Approval of the City Council Regular session minutes – October 16, 2018 – Page 10
4. Forensic Audit Presentation
5. An appeal of the Planning & Zoning Board's decision to deny Public Hearing Case #2018-07-015
 - [a.](#) Pursuant to Belle Isle Code Sec. 42-64, the Council shall consider and take action on a requested variance from Sec. 54-2 (a) Substandard Lots of Record, to allow for each individual lot (Lot 4 and Lot 5) that comprises the currently developed parcel to be redeveloped as individual lots instead of being required to be aggregated as one tract, and allow for a reduction from the Sec. 50-73.- Site and building requirements, for the R-1-AA required minimum lot width of 85 feet, in anticipation of a lot split request on the subject parcel, that would result in each lot respectively retaining their historical substandard lot width of 70.06 feet, submitted by applicant Nancy Conicella, Esquire, for the property located at 6820 Seminole Drive, Belle Isle, FL 32812 also known as Parcel #29-23-30-4389-02-040 – Page 15
6. Citizen's Comments

Persons desiring to address the Council MUST complete and provide to the City Clerk a yellow “Request to Speak” form located by the door. After being recognized by the Mayor, persons are asked to come forward and speak from the lectern, state their name and address, and direct all remarks to the Council as a body and not to individual members of the Council, staff or audience. **Citizen comments and each section of the agenda where public comment is allowed are limited to three (3) minutes.** Questions will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you.
7. Unfinished Business
 - [a.](#) **ORDINANCE 18-12 SECOND READING AND ADOPTION** - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, ADOPTING AN OFFICIAL MUNICIPAL SEAL; CREATING A NEW SECTION 2-1 IN CHAPTER 2, ARTICLE I OF THE CITY CODE, GOVERNING USE OF THE CITY'S MUNICIPAL SEAL; RESTRICTING USE OF THE MUNICIPAL SEAL AND PENALIZING UNAUTHORIZED USE THEREOF; PROVIDING FOR USE OF THE MUNICIPAL SEAL BY THIRD PARTIES WHERE AUTHORIZED BY THE CITY; AUTHORIZING ADOPTION OF POLICIES, REQUIREMENTS, FORMS, AND DOCUMENTATION RELATED TO USE OF THE CITY SEAL; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE – Page 33
8. New Business
 - [a.](#) Red Light Camera Proposal – Page 39

"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 100

- b. **ORDINANCE 18-13 FIRST READING AND CONSIDERATION** - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, PROPOSING AMENDMENTS TO THE CHARTER OF THE CITY OF BELLE ISLE SECTIONS 7.01 WITH RESPECT TO MATTERS INCLUDING BUT NOT LIMITED THE PASSAGE OF AN ORDINANCE BY THE VOTERS; PROVIDING FOR A **REFERENDUM VOTE BY THE ELECTORS OF THE CITY OF BELLE ISLE** ON THE QUESTION OF APPROVAL OF THE PROPOSED CHARTER AMENDMENTS AT THE ELECTION TO BE HELD ON MARCH 12, 2019; PROVIDING FORM OF BALLOT; PROVIDING FOR FILING REVISED CHARTER WITH THE FLORIDA DEPARTMENT OF STATE, AND OTHER DIRECTIONS TO CITY STAFF; PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE AND CHARTER AMENDMENTS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS – Page 50
- c. **RESOLUTION 18-16** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE RULES OF PROCEDURE FOR MEETINGS OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE; AND PROVIDING AN EFFECTIVE DATE – Page 57
- d. Cornerstone Charter School Wallace Field Use Agreement – Page 85
- e. Discussion and Approval of the Landscape Proposal – Page 93

9. Attorney Report

10. City Manager Report

- a. Issues Log – Page 98
- b. Chief's Report

11. Mayor's Report

- a. Discussion and Approval of Snow Day/Tree Lighting Event

12. Council Reports

13. Adjournment

CITY OF BELLE ISLE



Proclamation

Declaring October 2018 as Breast Cancer Awareness Month

Whereas, while considerable progress has been made in the fight against breast cancer, it remains the most commonly diagnosed cancer and the second leading cause of death among women in the United States; and

Whereas, each year it is estimated that more than 220,000 women in the United States will be diagnosed with breast cancer and more than 40,000 will die as a result of the disease; and

Whereas, October is Breast Cancer Awareness Month, an annual campaign to increase awareness about the disease; and

Whereas, during this month, we reaffirm our commitment to support breast cancer research and to educate all citizens about its risk factors, detection and treatment; and

Whereas, as we display pink ribbons and wear pink clothing to raise awareness, we also support those courageously fighting breast cancer and honor the lives lost to the disease; and

Whereas, this October, we recognize breast cancer survivors, those battling the disease, their families and friends who are a tireless source of love and encouragement, and applaud the efforts of our medical professionals and researchers working to find a cure for this deadly disease; and

Whereas, Breast Cancer Awareness Month is an opportunity to unite all citizens in our community to prevent breast cancer deaths through increased education and regular screening;



Now Therefore, I, Lydia Pisano, Mayor of the City of Belle Isle, FL hereby proclaim October as:

BREAST CANCER AWARENESS MONTH.

In Witness Whereof, I hereunto have set my hand and caused the Seal of the City of Belle Isle to be affixed this 30th day of October, 2018.

ATTEST:

Yolanda Quiceno, City Clerk

Mayor Lydia Pisano



city council minutes

MINUTES **October 2, 2018 * 6:30 PM** **City Council Meeting** **City Hall Chambers, 1600 Nela Avenue**

The Belle Isle City Council met in a regular session on October 2, 2018, at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

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

Absent was:

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

CALL TO ORDER

Mayor Pisano called the City Council Hearing session to order at 6:30 pm and the City Clerk confirmed quorum. Commissioner Weinsier gave the invocation and led the Pledge to the flag.

CONSENT AGENDA

- a. Proclamation declaring October 23-31, 2018 National Red Ribbon Week
- b. Proclamation declaring October 2018 Down Syndrome Awareness Month
- c. Approval of the City Council Regular Session minutes September 4, 2018
- d. Approval of the City Council Budget Workshop minutes – September 4, 2018

Comm Sims motioned to approved consent agenda as presented.
Comm Weinsier seconded the motion which passed unanimously.

CITIZEN COMMENT

Karl Shuck residing at 1658 Wind Willow Road waived his request.

Anita Sacco residing at 4913 Jinou Avenue spoke in favor of Resolution 18-15; however, she stated if it is going to be retroactive she is stridently opposed.

Holly Bobrowski residing at 2400 Hoffner Avenue is in agreement with Ms. Sacco and that it should have been placed a long time ago. However, she shared her concern with Section – Reimbursements Page 4, Line 5. She does not believe investigations should be covered or for those person claiming immunity. She should like to see the Ordinance approved from the date of passage and not some arbitrary date in the past.

Gary Mellon 6101 Matchett Road announced that the City staff, some residents. EPD and Engineer will be meeting on October 4th at 5:30 pm at the corner of Matchett & Wallace to discuss the installation of a new pipe to reroute the runoff and nutrients that feed into Lake Conway. He encouraged resident participation.

There being no further business Mayor Pisano closed Citizen Comments and opened for Council discussion.

UNFINISHED BUSINESS – no report.

NEW BUSINESS

Approval of Accountant Proposals for Annual Audits

City Manager Francis gave an update on RFP submittals received for annual auditing services: McDirmit Davis and Clifton Larson Allen (CLA). Mr. Francis said these are both good firms however after reviewing the proposal, the staff is recommending the City accept the proposal of McDirmit Davis for the following reasons:

1. CLA's proposal did not address our requirement of having to prepare the CAFR for us and did not provide a list of those clients that already receive that service.
2. CLA's clients are primarily focused around Tampa and Fort Myers; they did not list a single client in Central Florida.
3. CLA's clients are of all sizes including up to a population \$373,000
4. CLA did not provide a flat fee cost estimate for a single audit but only provide hourly rates for additional services
5. CLA was not clear if they would provide year-round accounting consulting assistance and if so, if it was free or at a cost.
6. Cost difference is insignificant (\$700 for 2018; \$500 for 2019 and \$500 for 2020).

There no discussion, Comm Weinsier motioned to approve the proposal of McDirmit Davis for auditing services for the years 2018-2020.

Comm Sims seconded the motion which passed unanimously.

ORDINANCE NO. 18-11 - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, CHANGING THE ABSENTEE REQUIREMENTS FOR THE TREE BOARD MEMBERS; SEVERABILITY; CONFLICTS AND EFFECTIVE DATE

City Clerk read Ordinance 18-11 by title.

Mr. Francis said the Tree Board discussed this issue due to some unexcused absences. The first ordinance was not clear on Board member's unexcused absences and the Board wanted to ensure all members are committed. The ordinance will state if a member misses two regularly scheduled meetings in a calendar year, without cause of being excused, will be released from their duties.

After discussion, Comm Gold motioned to advance Ordinance 18-11 as proposed for second reading and adoption.

Comm Weinsier seconded the motion which passed unanimously.

RESOLUTION NO. 18-15 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, ADOPTING A POLICY GOVERNING REIMBURSEMENT OF PUBLIC OFFICERS AND EMPLOYEES OF THE CITY FOR ATTORNEYS' FEES AND COURT COSTS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

City Clerk read Resolution 18-15 by title.

Bob Francis said the Resolution establishes a process of reimbursement for City Council and the Mayor of legal services. Mr. Francis referenced Sections 111-07 and 286.11, Paragraph 7 and said he did not find any reference to immunity as commented in public comments.

Comm Readey motioned to adopt Resolution 18-15 as presented

Comm Gold seconded the motion.

Mayor Pisano opened for Council discussion.

Comm Gold said there is no retroactive provision in this Resolution and he is not aware that it would be possible. However, he will ask for reimbursement of his legal expenses under a separate item because it is about defending the City and himself.

Comm Weinsier said this Resolution will protect the individuals who are elected for an unpaid position. Anyone can file an investigation and an attorney would need to be present to represent the City and its members in a serious situation.

Comm Readey said this is an unpaid position and find it important that this is provided for its members. We can find that it may be very hard in the future to find professional public servants if there is no reimbursement prescribed for potential violations. He believes this is a good Resolution and would like to see it approved. In addition, he said he

hired an attorney who told him not to present for the State Attorney Investigation unless he was formally charged and spent approximately \$800.00 in legal fees.

Comm Gold said he likes the way the Resolution is written. He spoke of the events from the State Attorney's Investigation which was the reason for obtaining a lawyer to protect himself and everyone else. He noted that he heard that someone was going to get all the recordings from the State Attorney's Office for \$150 dollars but nothing ever come from that.

There being no further Council discussion, Mayor Pisano called for the motion which was unanimously approved 7:0.

Discussion/Possible Action on Use of Electronic Devices

Mr. Francis said after the public comment discussed at the previous meeting, it was requested that the use of electronic devices be brought forward for discussion.

Comm Nielsen said on April 22, 2016, Attorney Kruppenbacher addressed the Council and the Mayor and spoke to the use of emails and texts. At that meeting, Attorney Kruppenbacher said each City Council member has been issued a phone and email and should be used solely for City business; in addition, he said it would help not to be late with City records when they are requested. Since that time the Council and Mayor were very well aware of the policy. For some reason, the Mayor continues to use her personal phone and personal email for City business; unfortunately, she has not been forwarding those messages to her City email as instructed in 2016.

Not long ago the City passed a Social Media Policy speaking to the use of electronic devices. Comm Nielsen said all elected officials are obligated by Section 3.07 and 3.10 of the City Charter not to violate any standard code of ethics or fail to comply with the code of conduct established by law. All elected officials are obligated to provide any public records requests no matter what device is used to create the records. She does not believe June to October is a reasonable use of time and recommends that City Council instruct the Mayor to bring forward the request to Mr. Shuck as requested within one week.

Mayor Pisano said she has not used her personal email for City business. Once in a while, there are residents who email her and she immediately copies her City email. Mayor Pisano said she has complied with the texts request and have forwarded 47 emails with attachments to the City Clerk for a response.

Mayor Pisano further stated that she has a large number of telephone numbers to research and she continues to redact the phone records transparently. It is a very time-consuming process and an impossible task to get the records within a week.

After discussion, Comm Sims said the message is clear and would like to believe that Council is much more concerned about future behavior moving forward. He would like Council and Mayor, commitment assurance that all future behavior on the use of city phones and emails will be proper and relieve this burden.

Comm Nielsen agrees with Comm Sims, however, she does not believe the behavior is going to change.

Comm Nielsen moved to stop the discussion.

Comm Weinsier said Council does not have the ability to enforce a time limit on the Mayor on her duties. The only way to enforce the records law in Florida is to file a civil lawsuit if a person does not receive what they are looking for. He hopes that the Mayor is moving fast enough to not have that happen.

Comm Gold recommends that everyone use the City account. There are a timeliness aspect and an expense aspect with this request. The City is using City legal time to consult with the Attorney regarding this public record in the amount of \$1500. The City Attorney represents the City and not an individual on Council. Mr. Francis said since this request was submitted in June, the \$1500 cost of legal fees cover time to consult with the Mayor and speaking with the City Clerk and the City Manager regarding this public request.

Attorney Ardaman said because of some of the issues involved he has had conversations with the Staff and the Mayor to make sure that the City is protected. If there have been two separate phones used the City may not have had this issue. He can probe ably provide a more detailed bill to separate the conversations with the Mayor and staff.

**After further discussion, Comm Sims moved to stop discussion on this topic and move forward.
Comm Readey seconded the motion which passed unanimously 7:0.**

Mr. Francis provided an Acknowledgement Form for receipt and review of the Social Media Policy and ask that Council sign and submit the completed form to the City Clerk for the file.

ATTORNEY'S REPORT

Attorney Ardaman reported on the Cornerstone Charter School matter. He had numerous conversations with OCPS General Council and they are not willing to take the position with respect to the City of Edgewood and the City of Belle Isle's interaction with the Charter School. In order to achieve the Councils objective to gain a greater involvement and control at this point, the only mechanism will be a type of a lawsuit or approach the OCPS Board directly to take a stronger position.

Comm Nielsen said she would like to pursue other options to open discussions with the OCPS Board members. In addition, perhaps the proposed joint meeting with the CCA Board would work out well and the City can move forward.

Mr. Francis said if the City Council and the CCA Board can agree to a joint meeting he would be able to have a third party facilitator. He is looking to schedule this joint meeting before the next CCA Board meeting at the end of January. Mr. Francis asked that Council considered removing OCPS from the discussion and solve the matter amongst ourselves.

CITY MANAGER'S REPORT

- a. NAV Report – Mr. Francis provided a summary of the last NAV meeting. He reported that the Board of County Commissioners canceled the October 9th public hearing because some of the persons involved never received a notice because their addresses are confidential. They will re-notice the hearing on Cross Lake Beach and schedule another date.

The County said that the property owners abutting Cross Lake Beach will need to provide assurances that they have proper ingress/egress for this property under the City's Code, Section 18-15. The property owners do have the option to ask Council for a Resolution to assure the ingress/egress on this property. For information, Mr. Francis provided a draft layout of the proposed ingress/egress layout for Cross Lake Beach that he will propose to the abutting homeowners. If approved by the homeowner Mr. Francis will propose the layout to BOCC for approval.

- b. Orange County Drainage Project – Matchett Road

Mr. Francis was notified of a drainage project at Matchett Road toward the intersection of Wallace and Matchett on the Orange County side. Orange County did not inform the City that they are putting the pipe over to the City's side of the road and will connect to the 28-inch pipe that flows into Lake Conway. He wrote to the Drainage Engineer and asked that they have a stakeholders meeting before moving forward with the proposed project. Discussion ensued.

Mr. Francis asked Council if they wanted to post the meeting as a Public meeting to allow for Council members to attend. EPD requested a feasibility study from Orange County that shows how they will stop the nutrients from going into the lake. Orange County said it was just a drainage project and nothing was submitted.

Council consensus was to have the City Clerk post the Public Hearing for October 7th at 5:30 pm at the Intersection at Wallace and Matchett. Attendees can park at 6101 Matchett Road.

- c. Resolve Traffic Issues on Hoffner at Wawa

Orange County Traffic Engineer submitted to the City two diagrams on how they proposed to resolve the issues on Hoffner. They are proposing two different types of medians. After review, Bob Francis recommended a stakeholders meeting to pursue other options. The City will contact the merchants at the shopping center and across the street to meet at Cork & Fork to discuss and resolve this issue.

- d. Lake Conway Shore project will restart next week.

- e. Surplus Property at the School

Mr. Francis provided a memorandum for Surplus Property at the Charter School. As per Section 2-221, the City Council shall have the discretion to classify as a surplus of property that is obsolete. The school has two warmers, two ovens

and a Vulcan steamer for disposal. If the council deems the property obsolete he is requesting, at his discretion, to donate or destroy or abandon the property. In lieu of this request, Mr. Francis asked if the City had ever created an asset inventory list. He sent an email to Mr. Brooks and Mr. Severns to see if there is one on file, if not he would need to create one for the record. Council consensus was to have the City Manager moved forward as necessary.

f. Chief's Report

- a. October 3rd – Coffee with a Copy at Wawa on Hoffner Avenue.
- b. Chief Houston announced that on October 10th the City will have a National Walk & Bike to School

g. Tree Board Report

- a. Holly Bobrowski announced the upcoming Tree Board sponsored events and initiatives,
 - i. October 29th – Bat Conservancy
 - ii. January – Master Beekeeper Event
 - iii. April - Arbor Day Event
 - iv. Replace of trees on Lake Conway East right of way
 - v. Updated Tree Ordinance for Council discussion and approval

MAYOR'S REPORT

- a. Mayor Pisano announced that Cindy Lance has resigned from the Special Events Committee. The City will send an e-left for interested members.
- b. Mayor Pisano announced the following dates for future events,
 - November 10th Veterans Day event
 - Dec 5th reserved for the Tree lighting and Snow Day
 - Dec 19th Santa Ride Around.

Comm Nielsen said Council agreed, at the Feb 18th meeting, that under no uncertain terms will the Council approve any events without the proper information per the policy. Mayor Pisano said she would like to have the dates approved for planning. There was no action taken on the proposed event dates.

COUNCIL REPORT

1. Comm Nielsen – no report.
2. Comm Partin – Wanted to inform the Community that the Bing Grants are open for the new year.
3. **Comm Sims discussed the following City Council meetings of Oct 16th and Oct 30th. He moved to cancel the November 20th meeting due to the Thanksgiving holiday. Comm Carugno seconded the motion which passed unanimously.**
4. Comm Readey spoke of the required maintenance with the A/C units at the school and asked if there was a maintenance agreement on file. Mr. Francis said that there was an agreement on file.
5. Comm Nielsen opened discussion on having a required meeting in November per City Charter 3.08.
After discussion, Comm Readey motioned to cancel the November 20th meeting and reschedule it to November 13, 2018, at 6:30 pm. Comm Nielsen seconded the motion which passed unanimously 7:0.
6. Comm Weinsier said he will not be able to attend the next City Council meeting.
7. He announced the October 6th Pine Castle Historical Society BBQ from 6-9pm honoring law enforcement at the City of Edgewood City Hall.

8. Comm Carugno announced the following,
 - Comm Carugno gave a brief overview of the ANAC (Aviation Authority) meeting. He said around October 16-18 there will be additional air traffic in the surrounding area. There will also be a runway closing in the east complex in February 2019 for 180 days which will create additional air traffic in the surrounding area in Belle Isle.
 - Boat Parade on December 14th, 15th and 16th, 2018
9. Comm Gold asked for the City to research better audio and video for future meetings which have become very popular.

ADJOURNMENT

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 8:21 p.m.

Yolanda Quiceno, CMC, City Clerk

DRAFT



city council minutes

MINUTES October 16, 2018 City Council Public Budget Hearing Session: Regular Session 6:30 pm

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

Present was:

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

Absent was:

Commissioner Jeremy Weinsier
Commissioner Harv Readey

Also present was City Manager Bob Francis, Attorney Rick Geller, 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. Commissioner Sims gave the invocation and led the Pledge to the flag.

Mayor Pisano called for a motion to excuse Vice Mayor Readey's and Comm Weinsier's absence.

Comm Gold motioned to excuse the absences of Vice Mayor Readey and Comm Weinsier.

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

CONSENT ITEMS

- a. Proclamation declaring November 3rd - 10th as "Week of the Family"
- b. Approval of the City Council Regular session minutes - September 18, 2018

Mayor Pisano called for a motion to approve the consent items as presented.

Comm Nielsen motioned to approve the consent items.

Comm Sims seconded the motion which passed unanimously.

REQUEST OF CHRIS COMINS AND DARYL CARTER TO ADDRESS CITY COUNCIL

Mayor Pisano said she will hold on item # 4 to allow Mr. Comins time to arrive.

CITIZEN COMMENT

1. Greg Gent said he would like to hold on his comment based on the discussions regarding the lot split application.
2. Holly Bobrowski said she will hold on her comment until the discussion of reimbursement of legal fees is presented.
3. Karl Shuck residing at 1658 Wind Willow Road shared his frustration with the response of public records request he submitted for the Mayor's personal phone records. He gave a brief summary of what he has received from June 7, 2018, through today even though he has voiced his frustration to City Council at the last City Council meeting. At the rate he has been receiving the requested documents it will take approximately two years before this records request is fulfilled. He would like to hold the Mayor and all Council members accountable for future records request. This entire matter could have been prevented if the Mayor followed City Policy as advised in 2016. In addition, on the City's website, it still lists her personal phone number.

UNFINISHED BUSINESS

ORDINANCE NO. 18-11 - SECOND READING AND ADOPTION - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, CHANGING THE ABSENTEE REQUIREMENTS FOR THE TREE BOARD MEMBERS; SEVERABILITY; CONFLICTS AND EFFECTIVE DATE.

City Manager Francis read Ordinance 18-11 by title.

Mr. Francis gave a brief summary of the Ordinance and said it would change the absentee requirements for the members of the tree board to forfeit their seat if there are more than two unexcused absences within a 12-month period.

Comm Gold motioned to adopt Ordinance 18-11.

Comm Nielsen seconded the motion which passed unanimously 5:0 upon roll call.

Reimbursement of Attorney Fees

Mr. Francis said with the probability that the three Commissioners mentioned will ask to be recused because of the financial interest that would only leave three Council members to vote tonight and we are required to have four council members present. He is recommending that the City Council table this Ordinance until the October 30th or November 13th meeting.

Comm Sims motioned to table this request.

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

Comm Sims amended the motion to table the discussion to November 13, 2018.

Comm Gold seconded the motion which was unanimously approved.

NEW BUSINESS

ORDINANCE NO. 18-12 - FIRST READING AND CONSIDERATION - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, ADOPTING AN OFFICIAL MUNICIPAL SEAL; CREATING A NEW SECTION 2-1 IN CHAPTER 2, ARTICLE I OF THE CITY CODE, GOVERNING USE OF THE CITY'S MUNICIPAL SEAL; RESTRICTING USE OF THE MUNICIPAL SEAL AND PENALIZING UNAUTHORIZED USE THEREOF; PROVIDING FOR USE OF THE MUNICIPAL SEAL BY THIRD PARTIES WHERE AUTHORIZED BY THE CITY; AUTHORIZING ADOPTION OF POLICIES, REQUIREMENTS, FORMS, AND DOCUMENTATION RELATED TO USE OF THE CITY SEAL; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

City Clerk read Ordinance 18-12 by title.

City Manager Francis said in 2008 the City adopted the current logo however, he has not been able to find an executed ordinance or policy that determines who can use our logo and for what purpose. The City Attorney drafted the following ordinance at the request of the City due to the misuse of the logo a couple of times for certain publications.

Comm Nielsen moved to advance Ordinance 18-12 to a second reading.

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

City Manager Francis asked for approval of the Policy.

Comm Gold moved to approve the City Logo Policy as presented.

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

ORDINANCE 18-13 - FIRST READING AND CONSIDERATION - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, PROPOSING AMENDMENTS TO THE CHARTER OF THE CITY OF BELLE ISLE SECTIONS 7.01 WITH RESPECT TO MATTERS INCLUDING BUT NOT LIMITED THE PASSAGE OF AN ORDINANCE BY THE VOTERS; PROVIDING FOR A REFERENDUM VOTE BY THE ELECTORS OF THE CITY OF BELLE ISLE ON THE QUESTION OF APPROVAL OF THE PROPOSED CHARTER AMENDMENTS AT THE ELECTION TO BE HELD ON MARCH 12, 2019; PROVIDING FORM OF BALLOT; PROVIDING FOR FILING REVISED CHARTER WITH THE FLORIDA DEPARTMENT OF STATE, AND OTHER DIRECTIONS TO CITY STAFF; PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE AND CHARTER AMENDMENTS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS.

City Clerk read Ordinance 18-13 by title.

City Manager Francis said this was a discussion Comm Weinsier wanted to see on the ballot. The City Attorney believes the City may run into a fowl with the State Statute. He is recommending that Council table Ordinance 18-13 to the November 13th meeting to allow the City Attorney to further research the request and to ensure that Comm Weinsier will be present for the discussion and motion.

Comm Sims moved to table the reading of Ordinance 18-13 to November 13, 2018.

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

DISCUSS AND APPROVE CHANGES TO THE PERSONNEL MANUAL

City Manager Francis said according to the Charter, Section 4.09 the City Manager establishes personnel policies in the City Manual; however, all changes must be approved by the City Council. Mr. Francis said some of the changes reflect the requirements established by the Fair Labor Standards Act and necessary housekeeping items. Mr. Francis gave a brief summary of the highlighted changes;

- Acknowledgment Sheet
- Introduction and General Policies
- Whistle Blower Clause
- Domestic Violence
- Retaliation
- Requirement and Selection
- Employee Records – Confidentiality
- Right to examine personnel files
- Employee Benefits
- Paid Time Off – Donation Hours
- Performance Evaluations
- Travel, Training, Education, and Expenses
- Code of Conduct, Ethics and Conflict of Interest
- Confidentiality
- Workplace Violence and Incident Reporting
- Sexual Harassment
- Use of Electronics, Email and Web Access
- Emergency Closing
- Separation from Employment. Release of Information
- Leave Donation Form

Mr. Francis asked for approval of the changes as presented to the City Personnel Manual.

Comm Nielsen moved to approve the changes presented to the Personnel Policy and propose a Resolution for adoption.

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

ATTORNEY REPORT— no report.

City Manager's Report

Mr. Francis reported on the following updates,

- He has drafted a preliminary policy on Council rules and procedures. Some of the items to discuss will be meeting time limits and recognition of Council members before the discussion. He will provide the draft of the policy for review and discussion on November 13, 2018.
- Mr. Francis gave an update on the Nela Fountain Roundabout. The Contractor has advised the City that some of the piping in the area is not adequate for the type of fountain that was proposed. The Contractor is proposing a three-tier fountain similar to the one at Regal Park. He further recommended placing the Bronze Fountain at City Hall.
- NAV Board report - Mr. Francis provided a summary of the last NAV Board meeting.

- Mr. Francis reported that the City had a meeting Orange County on the drainage project on Matchett Road. The County is going to try to delay the project until a better project for that entire area can be designed to include a nutrient separating box. At that time, the Cornerstone Field drainage project will also be addressed.
- Price Construction will hold the start of the project for two weeks until the in-lining of the pipes is completed. The Lake Conway Shores project should be completed by mid-December.
- The City is waiting for quotes from Middlesex for paving around City Hall. In addition, we are waiting for three quotes for repair of the curbs throughout the City.
- Transportation Plan is in its final stages that will include additional bike and pedestrian friendly roads. A stakeholders meeting will be scheduled sometime in mid-December.
- Mr. Francis reported that he will be meeting with the contractors and the business owners in the Wawa/Conway area to discuss traffic solutions.
- Mr. Francis said he met with Orange County regarding jurisdiction of certain roads in the City. After the meeting, Orange County said they will be transferring jurisdiction of Seminole Road to the City. The jurisdiction of Seminole is the road only not the residential properties. He is open to future discussions to include the jurisdiction of Judge, Daetwyler, Matchett, and Perkins (Matchett to Gondola). Mr. Francis said Orange County typically repairs the road to Orange County standards before transferring it over to the City.
- Mr. Francis said he has provided a Lot Split Report to Council for review and will have it on the agenda for discussion on Nov 13th.
- The forensic audit is complete and will be presented to Council on October 30th. After the presentation, the report will become a public document.
- Staff is looking to present a parking discussion and presentation to City Council for December 4th.

Chief's Report

- Chief Houston said in participation with the Cornerstone Charter School the Walk / Bike to school day was educational and successful with about 75-80 attendees.
- Chief Houston gave an update on the Officers who went to Tallahassee. It was an investment to send them to aid in the Hurricane cleanup. The Police Department had a fundraiser for the Red Cross and raised 7500 for the cause.
- Senior Education Event at 10:00 am on October 17th.

Tree Board Report

- Holly Bobrowski introduced Emily Wakley for approval on the Tree Board.
Comm Gold motioned to accepted Emily Wakley to the Tree Board.
Comm Sims seconded the motion which passed unanimously.

MAYOR'S REPORT

- Mayor Pisano reminded the community of the "Teach a Kid to Fish Day" event on October 20th.
- Ducktober Fest at the School
- Mayor Pisano presented d the Holiday budgets for the Santa Ride and Tree Lighting/Snow Day events.
Comm Nielsen stated that she is not in support of the snow and the safety associated with it. She also clarified the change to the program to include Santa Stops throughout the City.
Comm Partin also shared his concern with the safety issues with the "snow".
Mr. Francis said instead of using the snow we currently use we can explore another cost-effective option, such as what is used at Celebration and Gaylord Palms.

After discussion, Comm Sims moved to approve the Santa Ride event and table the Snow/Tree Lighting event to allow more affordable and safer options.

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

REQUEST OF CHRIS COMINS AND DARYL CARTER TO ADDRESS CITY COUNCIL

Chris Comins residing at 4932 Oak Island Road shared a brief overview of his plans to develop in the City of Belle Isle and a summary of his career and personal growth.

Mr. Comins addressed the two abandoned trailer parks and the process he has taken to prepare these parcel for new development which included:

- removal of 42 obsolete septic tank on Daetwyler and 21 tanks on Seminole;
- removal of concrete buildings with asbestos
- removal of dilapidated pipes.
- removal of obsolete wiring and telephone poles

During that time he also purchased a property from Daryl Carter after he obtained a lot split. There has been concern about the speed of development. He has distributed a letter from Brent Walters who is actively pursuing permits for the next two homes. He feels what he is doing is a large benefit to the City. He has removed obsolete trailer parks and vile items in the ground contaminating the lakes and replaces this with beautiful homes that will grow the City's tax base.

Mr. Comins addressed the proposed development of 33 townhomes and six docks on Daetwyler. He said this proposal may change to single family homes with no docks; however, he has not made that decision. As for the traffic concern, he is already reducing the number of the vehicle with this proposal than what then existed with the trailer parks.

He asked City Council if there is anything else he can be doing to smooth the path to completing these projects in the interest of the Community; he is doing a good thing for all the right reasons and would like to be able to understand the concerns.

Comm Sims asked Mr. Comins if the property in Daetwyler and the property on Seminole be proposed and approved simultaneously. Mr. Comins stated that he has not stated as such. He said these are two projects with separate issues and should not be a joined together.

Daryl Carter with Morey Carter & Associates with offices at 3333 S Orange Avenue clarified the purchase by Mr. Comins of the Seminole property. He said Mr. Comins is an amazing person and does a lot for others in the community. He is vouching for Mr. Comins and stated that he is an asset to the community.

Angel Sanchez, Project Manager with offices at 6413 Pinecastle Blvd spoke about the long, unexpected process to bring the properties to par. The main goal is to build a beautiful home s for the community.

Council Reports – no report

ADJOURNMENT

There being no further business Mayor Pisano called for a motion to adjourn. The motion was passed unanimously at 7:45 p.m.

Yolanda Quiceno, CMC, City Clerk



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

Meeting Date: October 30, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

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

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

At the September 18, 2018 Council meeting, the Council tabled any action on this appeal until October 30, 2018 to give the City Attorney and Appellant's Attorney to opportunity to find a resolution to the issue.

Staff Recommendation: Approve the appeal and allow for the lot split as originally approved on January 24, 2017.

Suggested Motion: I move that we approve the appeal submitted for the property located at 6820 Seminole Drive, Belle Isle, FL 32812 also known as Parcel #29-23-30-4389-02-040.

Alternatives: Deny the appeal: I move that we deny the appeal submitted for the property located at 6820 Seminole Drive, Belle Isle, FL 32812 also known as Parcel #29-23-30-4389-02-040.

Fiscal Impact: TBD

Attachments: Applicant Request for Reinstatement

**BEFORE THE CITY COUNCIL
BELLE ISLE, FLORIDA**

**REQUEST FOR REINSTATEMENT OF VARIANCE RELATED TO PROPERTY
LOCATED AT 6820 SEMINOLE DRIVE**

Historical Background:

- On December 1, 2016, Daryl Carter filed an application with the City (the “Carter Application”) pertaining to a parcel owned by Judy Douglas located at 6820 Seminole Drive. The request in the Carter Application stated: “We would like to proceed with a lot split which would result in a lot width of 70.06’. We would like a variance from the minimum lot width.”
- On January 24, 2017, the Planning and Zoning Board (the “Board”) approved the lot split and also approved the variance that allowed the reduced lot width conforming to the previously platted lot dimensions. The transcription from that hearing shows that nearly all of the discussion at the hearing related to the lot split. It was very clear that Mr. Carter had a contract to purchase the property and would not do so unless he was assured that the lot could be split and a home could be built on each of the two proposed lots.
- During the Board hearing at which the variance and lot split were approved, Richard Wiensier, who lives at 6824 Seminole Drive, immediately next door to lots that were the subject of the Carter Application, spoke in favor of the lot split and the variance. He stated:

The lot that I’m on is the same size only because the same thing, the lot I bought was actually split the same way. And so I had a 70-foot lot which I built a very nice house on and it’s improved along the way, and I really have no problem with the other lot [inaudible] that sort of fits right in with the rest of the area. That they’re all the single lots, one 70 feet wide, you can build a very nice house on it. . . . But as far as the way the ordinance is read and related to asking for the variance, I really have no problem with it at this time.

- Each of the other residents who spoke at the public hearing on the Carter Application was in favor of both the variance and the lot split.
- At the close of the public portion of the hearing, two of the Board members stated they also had no problem with the lot split. The Chairman then said: “I kind of fall within the same category. But if we were to stick to the requirements of allowing the variance, it says that all of these criteria—all four of these criteria need to be met. The alternative, of course, is to appeal to the Commission and let them allow the split if we were to follow the strict reading of the rules.” One of the Board members then said he had a different opinion: “We’re a Board and we can do whatever we want. . . . Seriously, I mean these are guidelines. And if

we approve something, it's up to the City Council to say no, if they don't like what we do. . . Or neighbors have 15 days to appeal." Another Board member then said: "So if we want to give them a split and make everything 75 feet on there, we can."

- After a little more discussion on the lot split, and not on the variance, the following Motion was made: “

I am moving to approve. I move that the criteria of Chapter 42, Article III, Section 42-641 of the Belle Isle Planned Development Code has been met to approve their request for a variance from Section 54-2(a) substandard lots of record to allow for each individual lot, lot 4 and 5, that comprises the currently developed parcel to be redeveloped as individual lots instead of being required to be aggregated as one tract and allow for the reduction from Section 50-73, site and building requirements for the R-1-AA required minimum lot width of 85 feet in anticipation of a lot split request on the subject parcel that would result in each lot respectively retaining their historical Substandard lot width of 70.06 feet on the property described as 6820 Seminole Drive, Belle Isle, Florida 32812, also known as Parcel number 29-23-30-4389-02-040.

The Motion passed unanimously.

- No appeal was taken from the Board decision, and both the lot split and the variance became final 15 days later.
- By letter dated March 3, 2018 (one year and 37 days after the variance was approved), the City Manager sent a letter to the owner of the two lots stating that the variance approved on January 24, 2017 was now void because of failure to obtain building permits and complete construction within the one-year time period allowed under Section 42-67 of the City Code. The Lowndes firm was then contacted to determine how best to reinstate the variance. The undersigned is a shareholder in the law firm and lead counsel in this appeal.
- After Lowndes was engaged to assist with this matter, an associate with the firm exchanged emails with the City Manager regarding the best method to remedy the situation. She was advised that because there was no opposition to the variance previously granted, a new variance request should be applied for and should be easily obtained. Following this suggestion, the property owner asked our firm to re-apply for the variance. We followed the City Manager's direction and re-submitted an application for the identical variance that the Board had approved for Mr. Carter on January 24, 2017.
- On July 24, 2018, the Board held a hearing on the re-submitted variance application and unanimously denied the variance request. The Board took no action on the lot split that had previously been approved.
- Several of the residents who appeared at the Board hearing in support of the Carter Application attended hearing on the re-submitted variance application and vocally opposed

granting the exact same variance for the exact same proposed uses, primarily because Mr. Carter had assigned his purchase contract to 6806 Seminole Drive, LLC, an entity controlled by Chris Comins, and the Comins' entity was the owner of the property at the time the Board considered the re-submitted variance application.

Argument in Support of Reinstating Variance:

- Any property owner is entitled to a level playing field in land use matters. It is clear from the transcriptions of the Board hearing on the Carter Application and the Board hearing on the re-submitted variance application that the essential difference between the two applications in the view of the opposing residents was the change in the applicant from Mr. Carter to an the entity controlled by Mr. Comins.
- The Carter Application included both the request for a lot split and the request for a variance. Because the Board has jurisdiction to make final decisions on both lot splits and variances, unless the decision is appealed, there was no need for the Mr. Carter to file subsequent application for the lot split.
- Even though the City Code sets a time limit for variances, there is no provision that a lot split, once granted, ever expires.
- When the purpose of a variance is linked to a proposed lot split, the variance cannot be voided for the lot owner's failure to obtain building permits. No permit is required to effectuate a variance that is granted for the purpose of merely reducing a lot dimension to allow a lot split. In addition, there is no requirement for any lot, once created, to be developed within a specific time frame--or ever. In this case, it was very clear at the hearing on the Carter Application that the pending sale of the property was contingent on the lot split being granted, and the property was subsequently sold only because of the lot split approval.
- Even if it could be argued that somehow a building permit was required to either effectuate a lot width variance or to retain a lot split, the time limitations on variances as stated in the Code could not reasonably have been intended to apply when a variance is linked to a lot split. Section 42-67 of the Code states that all permits necessary for utilization of the variance must be obtained within six months after Board approval of the variance or the variance expires. This Code section also states that the variance will expire one year after the issuance of the last permit necessary for utilization of the variance, if all construction associated with the variance has not been completed. It would have been impossible to demolish the existing house on the lot, remove the two concrete foundations under the existing house, remove the leaking septic tank, develop construction plans for two homes of the size and quality proposed by Mr. Carter, pull permits for and complete construction of the two homes within one year following issuance of the variance.
- By way of comparison, it would be reasonable to include time limits on variances linked to some type of construction. This would be the case where the variance was requested to build a fence or building that encroaches into setback. In that case, a construction permit would be needed. However, no permits are required for use of a variance that merely reduces a lot

dimension. The variance itself is the “permit” that allows the smaller lot size. Similarly, a lot split stands alone and does not need additional permits to effectuate it. A lot split merely creates new property boundaries. It does not require anything to be built on the reconfigured lot that would generate the need for a permit of any kind.

- If, however, it is the City Council’s view that the time limits established for variances apply to variances linked to lot splits, then principles of equitable estoppel require the variance to be reinstated. After the appeal period expired for the lot split and the variance, Mr. Carter assigned his purchase contract to the current property owner, an entity controlled by Mr. Comins. Shortly thereafter, the lots were purchased from Ms. Douglas, and the Comins’ entity began site work on the lots to remove a failing septic tank, demolish the existing house on the lots, remove two concrete foundations that were beneath the house and grade the lots in preparation for the construction of two new homes. Mr. Comins, through the entity that owns the lots, spent more than \$100,000 in this demolition and site clean-up effort. It would be entirely inequitable if the City does not reinstate the variance and confirm the lot split.

Conclusion:

- The City Council should approve the pending appeal and overturn the Board’s July 24, 2018 denial of the variance under either of the following approaches:
 1. Determine that a variance linked with a lot split application cannot reasonably be time-limited based on permit issuance and completion of construction because absolutely no permits are required for use of a variance related to a lot split. The fact that the construction of a home on each of the two lots was discussed during the hearing on the lot split did not impose any time frames or construction requirements as a condition of retaining the lot split.
 2. Treat the appeal of the July 24, 2018 variance denial as an appeal of the City Manager’s determination that the previously issued variance had expired and reinstate the variance on grounds of equitable estoppel (i) due to the property owner’s detrimental reliance on the prior approval of the variance and the lot split; and (ii) due to reliance on direction received from the City Manager regarding filing a new variance application.

Respectfully submitted,

LOWNDES, DROSDICK, DOSTER,
KANTOR & REED, P.A.



Miranda F. Fitzgerald
As attorneys for 6806 Seminole Drive, LLC

Dated: October 24, 2018

1/24/17 BELLE ISLE PLANNING AND ZONING COMMISSION HEARING
Daryl Carter

S1 = Chairman, Nicholas Foreaker
S2 = Daryl M. Carter
S3 = Unidentified female
S4 = Unidentified male
S5 = Also, Chairman, Nicholas Foreaker
S6 = Richard Weinsier
S7 = Debra Donham
S8 = Greg Gent
S9 = April Fisher
MS = Male speaker
FS = Female speaker
S10 = Chris Roper

Speaker	Narrative
S1 Nicholas Foreaker	Next item, number seven, is applicant Daryl M. Carter, Case No. 2016-12-001. Pursuant to Belle Isle Code Section 42-64, the Board shall consider and take action on requested variance from Section 54-2(a), substandard lots of record to allow for each individual lot, lot 4 and lot 5, that comprises the currently developed parcel to be redeveloped as individual lots instead of being required to be aggregated as one tract and allow for a reduction from the Section 50-73 site and building requirements for the R1AA required minimum lot width of 85 feet in anticipation of a lot split request on the subject parcel that would result in the lot respectively retaining their historical substandard lot width of 70.06 feet submitted by applicant Daryl M. Carter located at 6820 Seminole Drive, Belle Isle, Florida 32812, also known as Parcel 29-23-30-4389-02-040. So is the applicant here?
S2 Daryl M. Carter	Yes, Mr. Chairman.
S1 Nicholas Foreaker	Okay. I read through the four primary criteria for a variance. Do I need to do that again?
S2 Daryl M. Carter	I don't think so, no.
S1 Nicholas Foreaker	Okay. Alrighty. On the previous issue. Okay, so go ahead and state your name for the record and tell us what you got going.
S2 Daryl M. Carter	Like for me to go first? Okay.
S1 Nicholas Foreaker	Yep.
S2 Daryl M. Carter	Thank you, Chairman and members of the Planning and Zoning Commission and staff. My name is Daryl Carter. I live at 1545 Conway Isle Circle here in beautiful Belle Isle, Florida. I'm a lifelong -- pretty much lifelong -- I'm 54 years

Speaker	Narrative
	old, I've been in Conway for about 52 or three of those years. I grew up here and I am a real estate investor and broker and went to Conway ____ [2:24] three different elementary schools although I grew up in the same house, I got redistricted twice. I didn't get kicked out of different schools. But went to Conway, Kaley and Pershing all from the same house over on Erin Road and ____ [2:37] High School. So is it okay to approach and give you some materials?
S1 Nicholas Foreaker	Yes. Absolutely.
S2 Daryl M. Carter	How would you like me to do that? Do the whole stack or ____ [2:44]?
S1 Nicholas Foreaker	Or you can just distribute them.
S2 Daryl M. Carter	Sure.
S1 Nicholas Foreaker	Saves us having to reach around.
S2 Daryl M. Carter	____ [2:49].
S3 Unidentified female	____ [2:50].
S2 Daryl M. Carter	Sure.
S3 Unidentified female	Thank you.
S2 Daryl M. Carter	So I'm not, you know, I'm not from out of town and I'm not unconcerned about Belle Isle and live around the corner and I'm sorry for the interruption. That was my middle son coming here for -- to get money for Chipotle. Which happens with terrible regulatory ____ [3:13] wear me out. And Mrs. Weinsier's husband taught me math in junior high. So....
S4 Unidentified male	____ [3:23]?
S2 Daryl M. Carter	Yes, sir. You were one of the best teachers I ever had.
S4 Unidentified male	____ [3:28].
S2 Daryl M.	Yes, sir. Sure. Of course. Sure. So I'm not riding into Belle Isle just trying to make a bunch of money without regard for the neighborhood ____ [3:40]

Speaker	Narrative
Carter	property including the property across from the one Mr. Houlihan's [sp?] ____ [3:47] wawa on we have the shopping center at the corner at Conway and Hoffner which when we bought it was -- which was a vacant Winn-Dixie had metal siding and was a disaster. We put Fellowship Church in there. We did the Starbucks. We ____ that center and we're proud of what we were able to achieve there and it was a great blessing to us, too, to both personally and professionally we made some money along the way as well. And we're active and involved ____ [4:16] properties in around South Orlando. I should say that Nicholas and I have a small investment property together over on the west side of town. I'm sure ____ [4:28] but we are -- we did have a small investment together.
S1 Nicholas Foreaker	That's right. I did --
S2 Daryl M. Carter	I didn't --
S5 Nicholas Foreaker	No, that's okay. I've already talked to the Mayor and Yolanda that I have to recuse myself from voting. So.... Thanks for prompting that.
S2 Daryl M. Carter	Yes, sir. And I had to then communicate with P&Z ____ [4:44] Counsel that has been ____ [4:48] a couple, three or times ____ [4:51]. So I don't want to bore you with a whole big, long presentation, but what I handed to you is -- there are a lot of 70 foot or smaller lots in our city. And so -- and in particular in the immediate neighborhood surrounding the Douglas' [sp?] property -- I'm the contract purchaser, by the way. I don't own the property yet. I hope to. So there are a number of houses -- or excuse me, lots in the neighborhood that are 70 feet or smaller and then the next -- there's a -- the first page shows you some of those lots and then an aerial that shows that as well. The third page in the handout is the historical plat. The historical plat allowed two lots on this particular property. The fact that there's one house built on it, that was in existence before the Douglass's bought the property. But it is consistent with the underlying plat. The Douglass's bought the property in '85 or '86 six -- yeah, '86. Belle Isle changed its whatever the proper code is ____ [5:59] code or whatever it is that the official document or rules in 1992. So to me the hardship case, first of all, it's not detrimental to the neighborhood. We're going to wind up with two houses there. They're going to be new and increase the tax base. It's consistent with the neighborhood. I think to be fair, it's somewhat unfair to have to make all the property ____ [6:24] reliance on the underlying plat which included two lots. The fact that the house is in the middle, I don't think this was the underlying plat and so to achieve the value that I'm planning to pay for the property, the only way to do that is to do a lot split into two lots. And so I just think ____ [6:46] be able to rely on the underlying plat and the rules shouldn't change after somebody buys the property and is consistent with the neighborhood and it's not going to be detrimental. I appreciate you listening to me and I don't want to take up any more of your time. I'm certainly happy to sit back and listen and answer any questions if you need any further information from me. I thank you for hearing me.
S1 Nicholas	Okay. Does anyone immediately have any questions for him?

Speaker	Narrative
Foreaker	
S3 Unidentified female	Just real quick.
S1 Nicholas Foreaker	Sorry. Don't run away so fast.
S3 Unidentified female	I don't think I have a problem with the variance of the lot sizes. What do you plan on building?
S2 Daryl M. Carter	Two houses. ____ [7:24].
S3 Unidentified female	____ [7:25].
S2 Daryl M. Carter	I'm not that far into the process yet. I own -- I live on Lake Conway. I live ____ [7:29] on Lake Conway. I live in the Highlands at Lake Conway. So this would be the third residence, one ____ [7:35] be the fourth or fifth house. But something I think would be pretty and add value to the neighborhood. ____ [7:45].
S3 Unidentified female	No, that's fine. I was just curious.
S2 Daryl M. Carter	I wasn't sure I was going to get this approved.
S1 Nicholas Foreaker	Alright.
S4 Unidentified male	So you're not buying -- you're not buying the lot unless it's approved tonight, is that correct? Are you going to be buying it ____ [8:02]? Just curious. Are you going to be buying the lot anyway?
S2 Daryl M. Carter	We -- Mrs. Douglas and I have an understanding that if I don't get the lot split, I don't have to close.
S4 Unidentified male	Okay.
S2 Daryl M. Carter	So....
S3 Unidentified female	Due diligence.
S2 Daryl M. Carter	Correct. Yes, ma'am. My appeal to you would be I think to be able to get the two lots back, if you will, is what creates the value for what I'm paying for the property. Absent that, and I've said this to Becky and she's here and she can

Speaker	Narrative
	verify what I'm saying, my professional opinion -- although she knows more about residential than I do, my professional opinion is it's -- that value is not there unless the two lots are approved. So if I didn't close, I think there will be -- there will be a diminution in value to their property. That's my opinion. But there are people in the audience who probably know more about residential than me. Do you want me to stay up here?
S1 Nicholas Foreaker	Any other questions?
S2 Daryl M. Carter	I'm here. So....
S1 Nicholas Foreaker	Okay. Alright. So what we'll do then is we will open for public input. I hope we will get some because we didn't have anyone for any of the other things, so -- and there's a bunch of people here, so this must be the one. So, anyone that would like to say something, please state the name and address for the record and we would prefer if you went to the microphone because it helps our recorder keep minutes.
S6 Richard Weinsier	Richard Weinsier, 6824 Seminole Drive. My residence is directly to the west of the said lot ____ [9:44].
S1 Nicholas Foreaker	You say it's directly to the west of this?
S6 Richard Weinsier	____ [9:50].
S1 Nicholas Foreaker	Alright, directly east.
S6 Richard Weinsier	____ [9:53].
S1 Nicholas Foreaker	Yeah. Right. I was going to say, last time I saw it, that was vacant.
S6 Richard Weinsier	The lot that I'm on is the same size only because the same thing, the lot I bought was actually split the same way. And so I had a 70-foot lot which I built a very nice house on and it's improved along the way and I really have no problem with the other lot ____ [10:18] that that sort of fits right in with the rest of the area. That they're all the single lots, one 70 feet wide, you can build a very nice house on it. What I hope does not happen and Daryl did not mention that ____ [10:32] a few doors down, they split the lot the same way with the "L" shape thing ____ [10:40] which looks kind of weird to me ____ [10:44]. But I don't think I'd want that right next to mine if I can prevent that. But as far as the way the ordinance is read and related to asking for the variance, I really have no problem with it at this time.
S1 Nicholas Foreaker	Alright. Thank you. Any other comments?
S7 Debra Donham	Debra Donham, 6904 Seminole Drive. And I'm just in agreement with Richard about the -- because I'm right directly east of the one with the "L" shape. The other one.
S1 Nicholas	That puts you in lot 10?

Speaker	Narrative
Foreaker	
S7 Debra Donham	____ [11:18].
S1 Nicholas Foreaker	Okay. So you have a single house on two lots at this point?
S7 Debra Donham	Yeah, I have two. Yeah, one's a duplex ____ [11:26] house.
S1 Nicholas Foreaker	Oh, okay, so ____ [11:28].
S7 Debra Donham	Mine's the oldest one on the street, the first one, built in the '40's. So.... I just meant that design with that "L" shape and it was -- I didn't know what was the plan if he's doing it the 70 feet or is that in the plan or no?
S1 Nicholas Foreaker	The way it's been presented to us is that it's just going to be two straight 70-foot lots.
S7 Debra Donham	Oh, okay.
S1 Nicholas Foreaker	Yeah.
S7 Debra Donham	Okay.
S1 Nicholas Foreaker	So any other -- are you -- is that it? Okay.
S7 Debra Donham	____ [11:58] see anything on here about the, you know --
S1 Nicholas Foreaker	Yes. Yes, please.
S8 Greg Gent	My name's Greg Gent, 2924 Nela. So you mentioned the empty lot on the other side of the ____ [12:18] of the property in question. So, just -- a number of people here are familiar, some aren't. I'll give you a real quick update. About a year and a half ago, there was a fairly lengthy battle over that property. Like what was said earlier, that was originally lot 1, 2 and 3 in that subdivision going way, way back. And the prospective buyer wanted to buy that property and turn it into a gated subdivision. So there was a lot of disagreement by the community really that a subdivision, a deeded subdivision didn't really belong in that little section of Belle Isle. So based on the meeting here, this Board and also with counsel, it eventually was overruled and that was not allowed to go forward. So, it's still sitting empty updates are -- we're all still waiting for that to come to a conclusion with something built there. So I think all those people that were against that subdivision, really were in support of it reverting back to what could be three lots on that property, which is what they're selling for now, that vacant property. So those same people I think by that logic would support this, you know, going back to the original two lots. I don't think myself and I don't think any of those involved in that issue would have a problem. The only thing I would recommend just because of all the history because of the outcry, because of just the feelings that most of the community had and the numbers were very, very large, is to put a stipulation on that split that nothing could happen. That it couldn't be joined with

Speaker	Narrative
	that existing property to make that a larger property. That nothing other than just that split could occur if that split did occur. I don't know how that could happen, but I think there'd be a certain comfort level that -- to know that it really will be two houses when that split occurs.
S1 Nicholas Foreaker	So to simplify what you're saying, you just want to ensure that they're not aggregating the five parcels to come back and walk into a buzz saw with the community?
S8 Greg Gent	Exactly.
S1 Nicholas Foreaker	Right. Gotcha.
S8 Greg Gent	I -- that probably is not true, you know. Belle Isle does get a lot of rumors going around it. But there was some rumors going around that there was an attempt to combine the three empty with those two to fill -- you know, to have five and then to make something even larger than they attempted before. So that was a concern by myself and a lot -- not that, you know, throw numbers at you. But originally when we did this, there was 180 residents that petitioned, 119 households and the people that were participating had an average length of residency of 19 years. So these were people that lived here a long time, knew the neighborhood, knew the character of the neighborhood and that's really why there was so much involvement by the people. So.... But like I was saying, I'm for it if it's two houses, like it's stated. Fantastic. I think that'd be great. I just would like some certainty that it really is definitely going to be that ____ [15:45].
S4 Unidentified male	It's my opinion that for that to happen it would have to come back for us again.
S3 Unidentified female	Again.
S4 Unidentified male	You know, to replat it into different, you know, units or something.
S8 Greg Gent	Yeah. I understand.
S4 Unidentified male	So it's not going to be -- if that were to occur, and I don't think it's going to happen because it has to come up from me. But it's -- I hear you.
S8 Greg Gent	Yeah. I mean, as I say, it ____ [16:10] makes sense to have an extra safeguard so to not even -- to not even be able to bring it back to you.
S4 Unidentified male	Yeah, I don't know how we could throw that into a motion.
S3 Unidentified female	____ [16:19] need to.
S1 Nicholas	I don't know that it's really necessary.

Speaker	Narrative
Foreaker	
S4 Unidentified male	Yeah. I'm of the opinion on that, that it's necessary. Because if they have to come before us to be replatted so you can make a mega mansion out there or whatever you want to call it.
S1 Nicholas Foreaker	Or even a neighborhood subdivision.
S4 Unidentified male	Right.
S3 Unidentified female	Another --
S1 Nicholas Foreaker	Yeah. I don't think anybody would spend that money and time to come --
S4 Unidentified male	Yeah. I don't think ____ [16:44] but we hear you.
S8 Greg Gent	____ [16:47].
S3 Unidentified female	Duly noted.
S1 Nicholas Foreaker	April, do you have anything to add to the discussion?
S9 April Fisher	Certainly not spilled water. Sorry, guys. The one thing that I would say I do think that your motion is -- thank you, sir -- that your motion is safeguarded because it's very specific about only applying to the historical configuration of the two lots and it's specific to those two lots. The interesting thing about the --
MS Male speaker	____ [17:16].
S9 April Fisher	Thank you. I'm sorry. The interesting thing about the three lots that were the issue before, they're actually zoned R2, so they have a different minimum lot width requirement. So anything that would possibly happen to combine, all that would definitely have to come back to this Board.
S1 Nicholas Foreaker	____ [17:40] R2 zoning?
S9 April Fisher	Correct.
S1 Nicholas Foreaker	Yeah. That was even in question at the time.
S9 April Fisher	Yeah.
MS Male speaker	Whether that was allowed to happen back when it was still R2 because it went against, you know, the City's covenants and plans. So there's a lot in question that you probably not completely -- we've got a packet here ____ [18:04].
S9 April	Okay. Alright. Thank you.

Speaker	Narrative
Fisher	
S1 Nicholas Foreaker	Alright. Thank you.
MS Male speaker	Thanks Greg.
S1 Nicholas Foreaker	Alright, next.
MS Male speaker	____ [18:12]. That's why we're here.
S10 Chris Roper	I didn't know I was going to talk. My name's Chris Roper. I'm an attorney, land use attorney with Akerman LLP. I was here not only because my firm represents ____ [18:22].
MS Male speaker	Chris, state your -- I'm sorry, state your address as a formality.
S10 Chris Roper	Okay, so my office address is 420 South Orange Avenue, Orlando, Florida 32801. And my firm represents Mattamy Homes so ____ [18:33] asked me to come -- attend tonight. And coincidentally I moved into the City in September of last year so I'm a new resident. And further coincidentally, I moved into the Highlands of Lake Conway. So Mr. Carter's neighbor. So when I put on my citizen hat as opposed to my lawyer hat, I just want to say I would support this request. I like that there's a lot of amenities here in Belle Isle, especially like the restaurants. And I would love to see more people here to fill up the seats in those restaurants and it seems like this would be the right kind of housing type. So those are my two cents.
S1 Nicholas Foreaker	____ [19:17]. Thank you, Chris. We have anyone else?
S7 Debra Donham	I just have one more question. The lots that are next to me, which is lot 8 and 9, the two that make up that "L" shape, ____ [19:29] variance. I thought it was 85 feet and that's why they did that because lot 8 is 85 feet upfront and then 55 out back and lot 9 is 55 out front ____ [19:39].
S1 Nicholas Foreaker	Unfortunately that ____ [19:41].
S7 Debra Donham	Did that change?
S4 Unidentified male	____ [19:43] people were on that Board when that was approved. If I were on it, I don't know, I don't see how I could approve that.
S7 Debra Donham	So is it 70 feet that you can have now to build on?
S1 Nicholas Foreaker	No, there's --
S4 Unidentified male	85.
S7 Debra Donham	It is 85? Okay. I just was wondering if that had gotten changed or not. That was my question. So....

Speaker	Narrative
S1 Nicholas Foreaker	Yeah, so anyhow, in order for this to go through we have to also grant the variance on the width.
S7 Debra Donham	Okay.
S1 Nicholas Foreaker	So.... Okay, any other public input? Hearing none, I am going to close for public input and we will discuss this amongst ourselves here. The -- you know, the main -- of the four criteria, the one of the -- the hardship not being self-created is the one that's not really satisfied here because essentially the applicant is looking at a parcel that was designated a single lot because of the way that it was owned previously and is choosing that they want to subdivide it so they're creating the situation themselves. So that's the, you know, the main criteria that's not being met here. It's pretty clear that dividing it into the -- into two lots seems to be fitting with the harmony of the neighborhood because all the neighbors are saying yes, do it. So -- and the, you know -- so, well, that's basically my piece. So generally it fits the criteria with the exception of item, what is that?
MS Male speaker	D.
S1 Nicholas Foreaker	D, E. So what was the rule in effect when the seller bought the property? Don't know when the seller bought the property.
S9 (?)April Fisher	I think about ____ [22:01] bought it in '92. Or -- it was purchased in '92.
FS Female speaker	I bought my lot on the island. I bought my lot in '05 and it's a substandard size lot, it was 70 feet and I had to do a title search on it and it had to have been platted prior to 1959 -- I think October 25, 1959. And as long as that had been platted prior to that, it was buildable. And so I did buy it. And I did build. I designed a house to build specifically on that lot.
S1 Nicholas Foreaker	And this original plat is dated 1922.
FS Female speaker	Okay. I may have the dates wrong.
S9 April Fisher	That's okay. If I may, Chairman, you're right in respect to there's a provision in the Code and it's October 7, 1957. So very close. And there's two provisions. One says that if there's a substandard lot with respect to width, that it was lot of records on or after October 7, 1957, that if they're under single ownership, so one owner owns two lots that it has to be considered aggregated as one tract. So the idea is that if it was on or after that date, you had to develop it as one parcel. If it was a standalone parcel and not two under single ownership, that just one was substandard, you had rights to develop that one substandard lot as a single family home. But if you owned both of them, you have to aggregate.
S1 Nicholas Foreaker	Okay. Because I was trying to see if it was hardship to the seller, if they assumed there was more value when they bought it because they could split the parcel. But you're saying that was not --
S9 April Fisher	That was not the case in this situation because there is currently a single-family house on the property.
S1 Nicholas Foreaker	Yeah, which straddles the property line, of course.

Speaker	Narrative
S3 Unidentified female	It's still considered two lots.
S1 Nicholas Foreaker	No. It's --
S3 Unidentified female	It's aggregated as one.
S1 Nicholas Foreaker	It's been aggregated as one.
S9 April Fisher	Correct.
S1 Nicholas Foreaker	Yeah. And that's why he's here to try to get it considered -- if it was considered two lots then we wouldn't be here. So... So that's basically --
MS Male speaker	So you're saying at the time of purchase, though, they couldn't have considered that two lots the way the Code was?
S9 April Fisher	That's correct. So based on when the house was built and based on when it was under single ownership, then the Code requires that it's treated as one property, one lot, if you will.
S1 Nicholas Foreaker	Has that house changed hands since it was built?
S9 April Fisher	I don't know.
FS Female speaker	Yes.
S9 April Fisher	It has. Okay.
S1 Nicholas Foreaker	Yeah. So then that makes it very clear that whoever the seller is bought one lot. So...
MS Male speaker	I don't have a problem splitting it,
FS Female speaker	I don't either.
S1 Nicholas Foreaker	Well, I kind of fall into that same category. But if we were to stick to the requirements of allowing the variance, it says that all of these criteria -- these -- all four of these requirements need to be met. The alternative is, of course, is to appeal to the Commission and let them allow the split if we were to follow the, you know, the strict reading of the rules.
MS Male speaker	I have a different opinion on that.
S1 Nicholas Foreaker	Okay.
MS Male speaker	We're a Board and we can do whatever we want.
S1 Nicholas Foreaker	Okay.

Speaker	Narrative
MS Male speaker	Seriously. I mean, these are guidelines. And if we approve something, it's up to the City Council to say no, if they don't like what we do. [25:48].
MS Male speaker	Or neighbors have 15 days to appeal.
MS Male speaker	Yeah. So if we want to give them a split and make everything 75 feet on there, we can.
S1 Nicholas Foreaker	Alright. Do we have -- anyone want to make a motion?
MS Male speaker	So then it doesn't hurt our future ability to reject something because of that criteria, does it?
S1 Nicholas Foreaker	No it does not. No.
MS Male speaker	Okay.
S1 Nicholas Foreaker	Anytime we do this, it does not create a precedent, okay?
MS Male speaker	____ [26:08].
S1 Nicholas Foreaker	Each one is its own individual case.
FS Female speaker	And again this is presuming two homes will be built and it will not be a continuance of the corner lots.
MS Male speaker	Well that -- yeah.
S1 Nicholas Foreaker	Yeah. So we could add a criteria that if it's split that it's developed as two individual lots as part of the criteria. I could see that, you know, there's a potential that, you know, you could get it split if it stays undeveloped, one of them gets sold to one property adjoining owner and one gets sold to the other one and it gets aggregated and we start all over again.
FS Female speaker	Exactly.
S1 Nicholas Foreaker	So.... But that would all have to go through the -- you know, because -- well at least going one way it wouldn't. Yeah. Anyway, getting messy. So....
MS Male speaker	There is a section of the Code, you're probably familiar with this, that actually says in Belle Isle code, that if a lot is split, it can never be split again.
FS Female speaker	Okay.
S1 Nicholas Foreaker	Yeah, it's --
S9 April Fisher	Right. There's a lot split provision.
S1 Nicholas Foreaker	Yeah, it's a single split provision that -- but we're not looking at that. We're not looking at, you know, half a lot being split into half a lot. So, anyway. So does anyone want to make a motion?
MS Male speaker	____ [27:42]. I am moving to approve. I move to criteria of Chapter 42, Article III, Section 42-641 of the Belle Isle Plan Development Code has been met to

Speaker	Narrative
	approve their request for a variance from Section 54-2(a) substandard lots of record to allow for each individual lot, lot 4 and 5, that comprises the currently developed parcel to be redeveloped as individual lots instead of being required to be aggregated as one tract and allow for the reduction from Section 50-73, site and building requirements for the R-1-AA required minimum lot width of 85 feet in anticipation of a lot split request on the subject parcel that would result in each lot respectively retaining their historical standard lot width of --
S1 Nicholas Foreaker	Substandard.
MS Male speaker	Substandard. I'm sorry. Substandard lot width of 70.06 feet on the property described as 6820 Seminole Drive, Belle Isle, Florida 32812, also known as Parcel number 29-23-30-4389-02-040.
S1 Nicholas Foreaker	Okay. Do we have a second?
FS Female speaker	I'll second it.
S1 Nicholas Foreaker	Okay. And we have a second. My question is, that it's in that reading, it says that the parcel to be redeveloped as individual lots. Does that sufficiently cover, you know, selling them off to other properties?
S9 April Fisher	It does officially cover it because it only speaks to those lots being configured as they were historically platted.
S1 Nicholas Foreaker	Okay. Alright. Okay. So, any further discussion? Hearing none, we'll call the question. All in favor?
	Aye.
S1 Nicholas Foreaker	Opposed? None. So motion passes. You have 15 days that you need to wait for any potential appeals. From what I can tell, you probably won't get any. So that takes care of that. Can we resurface the election.
FS Female speaker	Oh, I'm sorry. I was thinking about road resurfacing.
S1 Nicholas Foreaker	Oh, no.
FS Female speaker	Yes, sir. We sure can.
S1 Nicholas Foreaker	Yeah.
S2 Daryl M. Carter	Thank you all very much.



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

Meeting Date: October 30, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Ordinance 18-12, City Logo

Background: In or about 2008, the City Council changed logos from the sailboat to the crane. However, there is no ordinance that officially adopted the current logo and there is no policy in place as to how the logo will be used. In the recent past, there have been flyers and emails distributed that were not official city business, but those distributing the information made it look like it was coming from the City.

The City of Belle Isle logo and ancillary logos (e.g., former City Logo, or Belle Isle Police Department Logo, including badge) are official seals of the City of Belle Isle protected by Section 165.043, Florida Statutes, and represent the City's distinctive brand and reputation for excellence in municipal governance and public services. Pursuant to municipal ordinance and state law, City logos are exclusively used for official City business.

Its use that in any way denigrates the City of Belle Isle, or its operation, or its officers, agents, or employees cannot be allowed.

At the October 16, 2018 Meeting the Council read 18-12 for the first time and approved the Logo Use Policy.

Staff Recommendation: Adopt Ordinance 18-12

Suggested Motion: I move that we adopt Ordinance 18-12, Adopt City Logo.

Alternatives: None

Fiscal Impact: None

Attachments: Ordinance 18-12

ORDINANCE NO. 18-12

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

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

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

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

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

and,

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

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

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

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

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

Sec. 2-1. – Municipal seal.

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

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

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

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

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

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

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

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

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

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

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

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

FIRST READING: _____, 2018

SECOND READING: _____, 2018

ADOPTED this ____ day of _____, 2018, by the City Council of the City of Belle Isle, Florida.

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

ATTEST: _____

Yolanda Quiceno, CMC-City Clerk

Lydia Pisano, Mayor

Approved as to form and legality

Kurt Ardaman, City Attorney

STATE OF FLORIDA

COUNTY OF ORANGE

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

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



S:\DL\Clients\Belle Isle, City of\General B900-29001\City Logo Ordinance\Ordinance re. Municipal Seal.docx



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

Meeting Date: October 30, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Proposal for Red Light Cameras

Background: With the increase in traffic in and around Belle Isle, drivers are becoming more aggressive and making unsafe moves. In order to enhance the safety of the travelling public, the Belle Isle Police Department is requesting to enter in to an agreement for the installation of cameras at various locations throughout the City. These can also act as a deterrent to drivers and they may consider other routes to take which can lessen traffic on our streets.

Deputy Chief Grimm has been working with a company to provide this service. Attached is a proposal and DC Grimm will brief the Council on this system and the proposal.

Staff Recommendation: Listen to the presentation by DC Grimm and if acceptable, direct the City Manager and BIPD to move forward with the cameras.

Suggested Motion: **I move that we approve the proposal presented for cameras.**

Alternatives: Don't approve the proposal.

Fiscal Impact: \$4,500/month/camera for 5-year contract, but the company proposes a cost neutral agreement.

Attachments: Proposal

**Belle Isle,
Florida**

**Red Light
Photo
Enforcement
Program**



Zero Fatality Solutions



1 (2)



SENSYS AMERICA, INC

Carlos Löfstedt

CEO, President
8018 Sunport Drive, Suite 203
Orlando - FL 32809

Mobile: 305-812-2257
Toll Free 888-666-4218
Fax 888-666-4024
E-mail: clofstedt@sensysamerica.net

Deputy Chief Travis Grimm
City of Belle Isle
1600 Nela Ave.
Belle Isle, FL 32809

Re: Turnkey Safety and Security Solution

Dear Deputy Chief Travis Grimm,

Sensys America Inc. (Sensys) is delighted to offer a solution that will enhance the safety and security of your citizens and visitors. Our goal is to provide a turnkey solution that is self-funded with many additional benefits for being a potential customer literally next to our office. We also look forward to further enhancing safety by utilizing our latest technology that will not even be available to other customers.

About Sensys America Inc.

Sensys is a privately owned, well-established developer / manufacturer of advanced "photo-detection and traffic enforcement" solutions. Our main office is in Sunport Dr at very close proximity to Belle Isle. Sensys is ethical, financially stable; has gained a significant reputation for successfully implementing, managing and operating both custom, and turnkey automated traffic safety/enforcement programs for municipalities across the United States and elsewhere. Customers include Murfreesboro and Chattanooga, TN (full turnkey), Charlestown, RI, (turnkey), Gulf Breeze and Crestview, FL (Custom), Tacoma, Washington and many more in the US, Canada and Colombia.

About the Technology

Sensys offers multiple enforcement and security solutions. All Sensys solutions incorporate the latest cutting-edge technologies in camera/video detection, HD image capture/image processing, multi-tracking radar and video to name just a few. Our hardware systems seamlessly integrate with the Sensys Hawk-Center™ (in system DVR for video surveillance) and the secure cloud-hosted Pro-Center™ back-office (violation management/issuance and court and case management software platforms). In addition, our latest technologies, such as LPR, integrate with our automated enforcement systems and back office to provide additional safety and security to your citizens. Our systems are robust, reliable and operate consistently for the highest levels of accuracy and issuance in our industry today.

SENSYS America, Inc.

8018 Sunport Drive, Suite 203 - Orlando, FL 32809

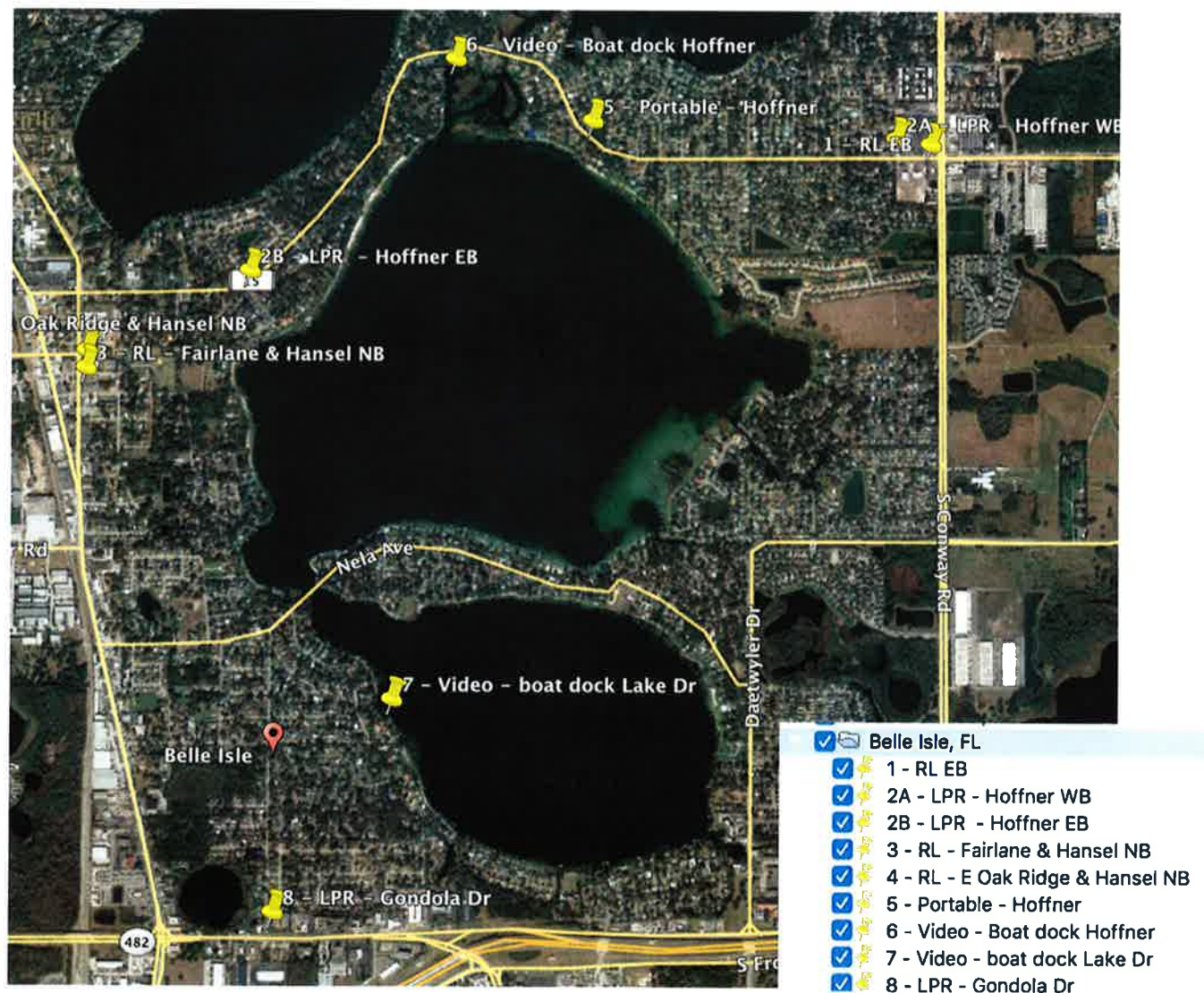
Telephone: 888-666-4218 | Facsimile: 888-666-4024 | info@sensysamerica.net | www.sensysamerica.net

About our People

Our program management and engineering teams are among the best qualified and experienced in the country, and follow stringent, proven project management standards. Our in-house R&D engineers ensure the optimization, integration and stability of all Sensys integrated solutions, and our technical support team make sure that all systems in the field are running smoothly and at maximum performance levels. We strive for 100% systems up-time and respond quickly and efficiently to the needs of our customers.

About this Proposal

Sensys offers the City of Belle Isle our completely **cost neutral, no-risk and high-performance** turnkey Automated Enforcement System. We are eager to join safety efforts with the City of Belle Isle by providing state of the art technology that identifies violators for prosecution, reduces crashes, injuries and fatalities for drivers and pedestrians. We commend the City of Belle Isle for recognizing the importance that technology can play in protecting its citizens and making the roads safer for all .



SENSYS America, Inc.

8018 Sunport Drive, Suite 203 - Orlando, FL 32809

Telephone: 888-666-4218 | Facsimile: 888-666-4024 | info@sensysamerica.net | www.sensysamerica.net



We have the pleasure to offer 3 Red Light enforcement (1, 3 and 4) systems at a price of \$4,500 per month per system. The price assumes an initial contract term of 5 years which will be cost neutral. In addition to the Red Light systems we will provide the following free of charge:

Location 2A – LPR camera for Hoffner West Bound direction
Location 2B – LPR camera for Hoffner East Bound direction
Location 6 – 2 video camera solution for the boat dock near Hoffner
Location 7 - 2 video camera solution for boat dock near Lake Dr

Points 2, 6, and 7 assumes that the City will provide a pole and power to install the equipment on. In addition to the above mentioned, we will work with the City with various campaigns using our portable system (Location 5) at least 2 months a year for Oversize, Pedestrian walk, Speed or Stop sign. For those functions, we will only be able to send warnings, gather the information for statistics and use the data for crime prevention and investigations.

We are aware that there is a desire to have LPR cameras at Location 8 (LPR camera at Gondola Dr for both directions) but that would require an additional fee. We recommend to leave that location for a later stage.

We regard our customers as partners and will work diligently to ensure that we deliver the highest degree of efficiency, flexibility, accuracy and optimal systems performance on each and every project. Unlike larger corporate entities, Sensys America is small which allows us to remain agile and responsive to the needs of our customers. Our mission is to make a meaningful contribution to all Vision Zero initiatives, and to exceed the expectations of our customer/partners.

We are proud to submit this proposal for your consideration, and we look forward to the opportunity of partnering with the City of Belle Isle on this important project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Carlos E. Lofstedt".

Carlos E. Lofstedt
President and CEO of Sensys America, Inc.
8018 Sunport Dr., Ste 203
Orlando Florida 32809
Tel: 305-812-2257

1. SENSYS AMERICA'S SOLUTION



We have notable experience in designing solutions in addition to implementing, installing and managing red-light camera enforcement programs.

Our personnel have many years of experience providing systems maintenance, training for field operations of the system, program management and administrative citation (violation) processing and issuance.

All of our systems include high definition digital cameras capable of digital still and video image for

capture and validating red-light and speed violations. All our systems are built with the latest cutting edge, proven technology.

Sensys is a financially secure, stable Florida-based Corporation with strong financial, human and technological resources to design, construct and maintain a red-light camera infrastructure.

Systems



Equipment lease
Installation
Configuration
Warranty
Service
Support

Processing



Pre-processing
Printing
Mailing
Customer support
Payment

Back Office



Software License
Pro-Center
Hawk-Center
Review-Center
Hosting
Back Up

Program Support



Program Manager
Back office Manager
Public Awareness
Legal Support
Training

I) TURNKEY SERVICES

Sensys is deeply committed to the safety of your citizens. We offer technology, pricing, and commitment to quality of service that are second to none. We are not a "one size fits all" company. Our goal is simple: to create a safer traffic experience

for all Belle Isle drivers through consistent, reliable, and uniform traffic enforcement. Belle Isle will realize the benefits our world-class safety program in the form of reduced intersection crashes, fewer injuries and deaths, and a higher confidence in the safety and security of drivers and pedestrians on your public roadways.

Sensys America understands the City's requirements and we are committed to comply and exceed the City's expectations. Sensys has extensive experience providing systems and services, requested by the City, both nationally and internationally. This experience includes installation, administration and servicing of comprehensive red light traffic safety management services. We will provide a complete turnkey operation contract and we guarantee cost neutrality.

II) RED LIGHT ENFORCEMENT SYSTEMS



Our D-Armor System contains all equipment. If flash is required for illumination, we can add a flash enclosure on the same or separate pole.

Simply stated, our Red Light Camera system offers the latest technology that will capture more violations and produce better evidence for these violations than any other photo enforcement system available. In addition, our completely non-intrusive technology is the least disruptive to your road surfaces and traffic patterns. Our radar (as more fully described below) tracks multiple vehicles across several lanes of traffic. Each vehicle's exact speed and position is captured 20 times per second. Thus, our ability to capture violations is limited only by the camera's shutter speed. Our standard system is capable of capturing at least three pictures per second.

RedLight-Safe® systems are flexibly designed to incorporate a host of advanced camera technologies. Our recommended solution provides:

- Compact design 18x18x12
- Easily installed on any pole

- Low power 25W
- Non-intrusive Multi-tracking radar
- 24MP still camera
- HD video camera
- Built in DVR capabilities
- All other applications can be activated

We use only advanced, high-resolution digital color cameras with minimum output of 24 megapixels per frame/image and full motion digital video at up to 5 megapixels and up to 30 frames per second.

For a fixed red light system with the highest flexibility and minimal intrusion, we recommend our latest unit called **D-Armor**.

The D-Armor has a sleek, stylish design, a very small footprint and can be installed on any existing pole. We normally have one main cabinet that contains all equipment with exception of the flash. If a flash is needed, we add the flash enclosure on the same pole or on a separate pole if required.

All violation images are in color and the resolution is more than sufficient for easy recognition of the violation when displayed on a standard color monitor. Both enforcement images include the traffic light with the red signal phase clearly in view. Our systems capture all relevant images, video and data for each violation. All violation event data is compiled in a single evidence package at the roadside, immediately encrypted, and forwarded to our processing center for pre-processing evaluation.



I) PORTABLE ENFORCEMENT



Our portable enforcement systems, P-Armor

We offer additional options for enforcement. If you are interested in this design, our automated portable enforcement system has a sleek, flexible, and modular design that provides the maximum flexibility and enforcement powers. The portable system can be battery operated and can operate up to 3 week without the need to change batteries.

II) PRO-CENTER™ VIOLATION PROCESSING

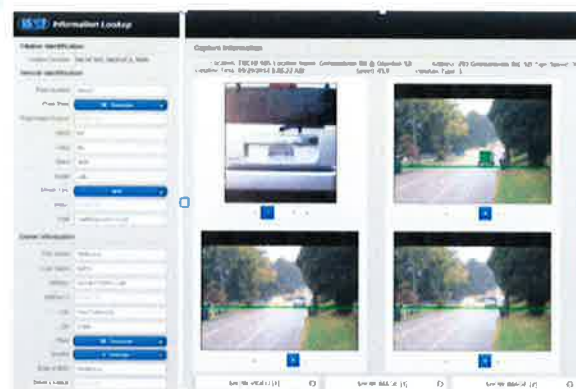
Our Pro-Center™ back office software, provided at no additional cost, is fully web enabled, allows fully secure remote access 24/7 by authorized personnel. It also provides:

- Internet review of violation images, video and data by violators using a unique password
- User friendly officer review portal that can be learned in minutes and used (with proper authentication) from any computer with internet access
- New violations are available online as they are processed and sent to the Police Department Monday – Friday.

- Robust reporting capabilities providing ready access to all of your program's information
- Unique access for violators to review the violation images and video, pay their fine, or request a hearing

Below, we provide a more detailed description of our processing capabilities.

LAW ENFORCEMENT APPROVAL



The initial review screen provides the processor with raw images and violation data from which the processor makes the initial determination of whether your violation criteria have been met.

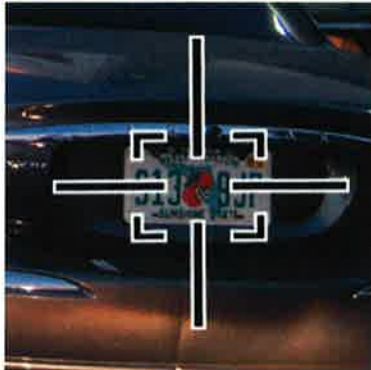
All violation events will be provided to law enforcement personnel to perform final review and approval of each violation event prior to issuance of a citation. The system will be able to load images in a timely manner (less than one minute) for approval by police personnel. As the citations are reviewed and approved, our back office system will automatically imprint Sworn Police Officer's name and ID number into the citation. We will print and mail all approved and completed citations on the same day.

Once the officer has had the opportunity to review the violation images, view the video, compare the violation data to the images, and confirm the registered owner information matched the violation data, the officer can approve the violation with a single click, or reject the violation by clicking the reject button and then selecting the discard reason. All discards are tracked by reason and can be reported by rejection reason, issuing system, or rejecting officer.



PRODUCTS

LPR-Sec™



LPR-Sec™ cameras can be used for the operation of Automated Fixed License Plate Reader Enforcement in combination with our red light and speed enforcement systems. Our LPR-Sec™ is the license plate recognition solution that makes it easier to locate vehicles of interest. It provides high resolution digital images and interfaces with our 24/7 video surveillance monitoring and recording system, Video-Sec™. As part of our modular turnkey solutions, LPR-Sec installs easily, integrates completely with our back office Pro-Center™ and Hawk-Center™.

School Zone Speed-Safe™



School Zone Speed-Safe™ uses automated camera technology to monitor and enforce driver's speeds around school zones, capturing images and video evidence of vehicles who exceed posted speed limits, putting pedestrians and your school children at risk of injury.

Railroad-Safe™



Railroad-Safe™ using the P-Armor system detects and records the vehicle and tag # of vehicles failing to heed the warning signals by passing through the crossing gates when trains are near. Railroad-Safe™ enforces state and federal statutes, such as stopping 15 ft. from rail crossings, not proceeding through the crossing gate, nor entering the crossing without space to clear, as well as mandatory stopping for buses and trucks. With Railroad-Safe™, all motorists learn to exercise caution around the tracks.

Crosswalk-Safe™



Crosswalk-Safe™ is a fully automated crosswalk photo enforcement solution for monitoring and deterring drivers from entering a crosswalk while people are present. A completely stand-alone portable solution for the P-Armor platform.



StopSign-Safe™



StopSign-Safe™ will change people's driving habits so they won't ignore the stop sign! About 40 percent of all fatal crashes in the country occur at intersections with stop signs. StopSign-Safe™ will detect whether drivers have come to a complete stop before proceeding. The stop sign units use a multi-tracking radar to detect if a vehicle stopped at, rolled through, or ran a stop sign. Tickets will be issued to those who fail to stop. Soon, every driver will stop and look around to be sure they have the right of way!

Park-Safe™



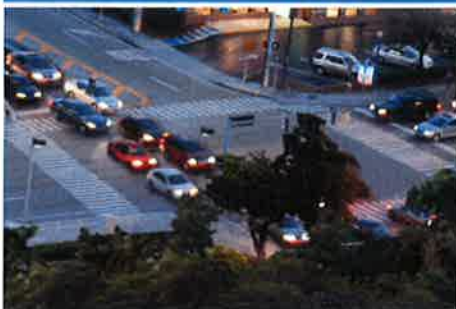
Park-Safe™ speeds up the process of enforcing parking violations, saving you time and money. Our automated parking enforcement system allows enforcement personnel to remain in the vehicle as they enforce parking violations with mobile radar or obtain violations from a remote fixed camera. Enforcing violations for meter parking, no parking zones, loading zones, handicap parking and more are now easier than ever.

Oversize-Safe™



Oversize-Safe™, the vehicle restriction enforcement system, solves your problem of oversized commercial vehicles entering your residential streets not built to handle their weight. They ruin the paving, destroy trees, damage property. Commercial vehicles that enter restricted roads are monitored and ticketed, thus changing behavior and preventing safety hazards. With Oversize-Safe™, your neighborhoods will be clear of inappropriate traffic at all times!

Gridlock-Safe™



Gridlock-Safe™, the automated intersection photo enforcement system, solves your rush hour traffic flow issues by monitoring drivers who block traffic and changing their behavior. Drivers who enter an intersection when heavy traffic does not permit their vehicle to pass through completely end up preventing flow, creating frustration and safety hazards. With Gridlock-Safe™ your intersections will be clear for traffic flow and emergency vehicles at any time of the day!



Eticketing-Safe™



Eticketing-Safe™ allows officers in the field to issue tickets that go directly to the centralized back office system using a PDA/Tablet and a portable printer. The days of double entry are over. Officers digitally upload ticket data from the handheld directly to the convenient, state-of-the-art case management system via cellular or wireless technology. The system also provides a portable printer to print citations in the field.

BodyCam-Sec™



An officer's job is difficult and too often the accounts of what actually happened differ between the officer and citizen. But while testimony may be flawed, video evidence is rock solid and recognized in a court of law. Introducing BodyCam-Sec™, the body worn camera that provides an unbiased eye to protect officers and citizens alike. Our **BodyCam-Sec™** is an ultra-durable, on-officer camera designed for ease-of-use while providing simplicity and superior performance. BodyCam-Sec™ delivers a 140-degree angle lens, auto infrared for low light capture and 1080p HD video resolution.



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

Meeting Date: October 30, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Ordinance 18-13, Proposed Charter Change

Background: This item was tabled from the October 16 Meeting so the City Attorney could research the topic further and also because Commissioner Weinsier, who requested the charter change, was not present.

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

One question to consider, if this change is adopted, and if at a future election a ballot measure for a charter change passes by 59%, then does the City face a challenge in court because a 59% vote could be considered significant by those who voted in favor of the measure? State Statue 166.031(2) (Charter amendments) states: Upon adoption of an amendment to the charter of a municipality by a majority of the electors voting in a referendum upon such amendment, the governing body of said municipality shall have the amendment incorporated into the charter and shall file the revised charter with the Department of State. All such amendments are effective on the date specified therein or as otherwise provided in the charter.

Staff Recommendation: If the City Attorney gives an opinion that the proposed change does not conflict with state laws and Council is comfortable with the 60% number, then approve the first reading of Ordinance 18-13.

Suggested Motion: I move that we approve the first reading of Ordinance 18-13 and have the second reading and adoption on November 13, 2018.

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

Fiscal Impact: None

Attachments: Ordinance 18-13

ORDINANCE 18-13

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

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

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

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

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

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

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

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

10 Question #1:

11 Amendment of Section 7.01, Belle Isle City Charter

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

16 Yes _____

17 No _____

18
19 Section 4. Referendum. The forgoing proposed amendments to the Charter of the City of Belle Isle
20 and their accompanying ballot questions shall be individually placed on the City ballot and submitted to the
21 qualified electors of the City of Belle Isle at the election held on March __, 2019. The City Clerk is hereby
22 authorized and directed to advertise the referendum election authorized herein in accordance with the
23 applicable provisions of the City Charter, City Code, Florida Statutes, Florida Administrative Code, and federal
24 law. In the event it becomes necessary, as determined by the City Council, to make modifications to any ballot
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1 question contained herein after adoption of this Ordinance, the City Council may make such modification by
2 Resolution. In the event it becomes necessary, as determined by the City Council, to reschedule the
3 referendum on the proposed amendments to the City Charter set forth herein, the City Council may make
4 such modification by Resolution.

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

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

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

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

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

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

FIRST READING: _____, 2018

SECOND READING: _____, 2018

ADOPTED this _____ day of _____, 2018, by the City Council of the City of Belle Isle, Florida.

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

Lydia Pisano, Mayor

ATTEST: _____

Yolanda Quiceno, CMC-City Clerk

Approved as to form and legality,

Kurt Ardaman, City Attorney

1 STATE OF FLORIDA

2 COUNTY OF ORANGE

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

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

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

6
7 _____

EXHIBIT "A"

Sec. 7.01. - Charter amendment.

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



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

Meeting Date: October 30, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Rules of Council

Background: Over the past year, the City Council requested rules on the procedures for meetings and decorum. The Charter of the City of Belle Isle provides for open meetings of the city council at which reasonable opportunity shall be given for citizens to be heard under such rules as the council may provide. The City Charter also provides for Council to adopt its own Rules of Procedure. The rules establish guidelines to be followed by all persons attending a city council meeting, including members of the city council, administrative staff, news media, and visitors.

Staff Recommendation: Adopt the policy.

Suggested Motion: I move that we adopt the Resolution 18-16, Rules of Procedure for the Belle Isle City Council.

Alternatives: Make changes to the proposed rules or do not adopt the rules at all.

Fiscal Impact: None

Attachments: Resolution 18-16 and Rules

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WHEREAS, meetings of the Belle Isle City Council must proceed in the most efficient manner possible;

WHEREAS, from time to time, there has been some lack of clarity as to the procedures for conducting meetings, and

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

The above recitals are true and correct and are incorporated herein by this reference.

The Rules of Procedure attached hereto as Exhibit A, are hereby adopted as reflected in the attachment.

In the event of a conflict or conflicts between this Resolution or and any other resolution or provision of law, this Resolution controls to the extent of the conflict, as allowable under the law.

PASSED AND ADOPTED this ____ day of _____, 2018

Lydia Pisano, Mayor

Yolanda Quiceno, City Clerk

CITY ATTORNEY

COUNTY OF ORANGE

I, YOLANDA QUICENO, CITY CLERK OF BELLE ISLE, FLORIDA, do hereby certify that the above and foregoing Resolution 18-16 was duly and legally passed and adopted by the Belle Isle City Council in session assembled, at which session a quorum of its members were present on the _____ day of _____ 2018.

Yolanda Quiceno, City Clerk

S:\DL\Clients\Belle Isle, City of\General B900-29001\Attorney Fee Reimbursement\Resolution adopting attorney fee reimbursement policy.docx

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EXHIBIT A -RESOLUTION NO. 18-16
Rules of Procedure for the City Council and the Boards and Committees
City of Belle Isle, Florida

Exhibit A – RESOLUTION 18-16
Rules of Procedure for the City Council
and the Boards and Committees
City of Belle Isle, Florida



ARTICLE 1. AUTHORITY, APPLICABILITY, AMENDMENT, AND ANNUAL REVIEW	4
1.1 Authority.	4
1.2 Applicability.....	4
1.3 Amendment.	4
ARTICLE 2. GENERAL RULES OF PROCEDURE AND POLICIES.....	4
2.1 Construction of Authority.	4
2.2 Council/Staff Relationships and Communications.....	4
2.3 Meetings Shall Be Public.	4
2.4 Conduct of Meetings.....	5
2.5 Regular Meetings.	5
2.6 Special/Town Hall Meetings.	5
2.7 Emergency Meetings.	5
2.8 Work Sessions.	5
2.9 Executive Sessions.....	5
2.10 Recessed Meetings.	6
2.11 Quorum.....	6
2.12 Conflict of Interest.	6
2.13 Presiding Officer.....	7
2.14 Minutes of Meetings.....	7
2.15 Suspension and Amendment of Rules.	7
ARTICLE 3. PARLIAMENTARY PROCEDURE.....	8
3.1 Purpose.	8
3.2 Model Format for an Agenda Item Discussion.	8
3.3 Types of Council Actions.....	9
3.4 The Basic Motions.	9
3.5 The Motion to Amend.....	10
3.6 Discussion and Debate.....	10
3.7 Other Motions.....	10
3.8 Motions Requiring a Two-Thirds or Supermajority Vote to Pass.....	10
3.9 Motion to Reconsider.	11
3.10 Courtesy, Decorum and Order.....	12
3.11 Enforcement of Rules and Procedures.	13
3.12 Council May Discipline its Own Members.	14

ARTICLE 4. AGENDA ORDER	14
4.1 Call to Order.....	15
4.2 Invocation/Pledge of Allegiance.....	15
4.3 Presentations and Proclamations.	15
4.4 Approval of the Minutes.	15
4.5 Consent Agenda Items.	15
4.6 Public Hearings.....	15
4.7 Regular Agenda Items.	16
4.8 Resident Comments on Non-Agenda Items.....	16
4.9 City Manager's Reports.	16
4.10 Future Agenda Items.....	16
4.11 Executive Session Items.	16
4.12 Action on Executive Session Items.....	16
4.13 Adjournment.....	16
ARTICLE 5. WORK SESSION POLICIES AND PROCEDURES	16
5.1 Purpose.	17
5.2 Agenda.	17
5.3 Technical Questions.	17
5.4 Prohibitions Against Formal Actions.....	17
5.5 Audience Comments or Questions.	17
ARTICLE 6. RULES GOVERNING RESIDENT COMMENTS	17
6.1 Purpose.	17
6.2 Mayor to State Rules for Audience Comments.	17
6.3 Rules Governing Resident Comments.....	18
6.4 Preservation of Order.	18
ARTICLE 7. BOARDS AND COMMISSIONS	18
7.1 General.....	18
7.2 Meeting Times and Agenda Order.....	19
7.3 Boards with Regulatory Authority.	19
7.4 Boards without Regulatory Authority.....	19
7.5 Appointments.	19
7.6 Board Members.	19

7.7	Open Government Training.	19
7.8	Council Liaisons.	19
TABLE OF MOTIONS AND POINTS OF ORDER		20

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

1.1 Authority.

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

1.2 Applicability.

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

1.3 Amendment.

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

ARTICLE 2. GENERAL RULES OF PROCEDURE AND POLICIES

2.1 Construction of Authority.

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

2.2 Council/Staff Relationships and Communications.

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

2.3 Meetings Shall Be Public.

All meetings of the City Council shall be public, and notices thereof shall be posted as provided under the Florida State Statutes, Chapter 286, Government-in-the-Sunshine Law. Except in the case of an emergency meeting, notice of all meetings shall be given at least 72 hours before the time set for any meeting. If special accommodations are required, please contact the City Clerk a minimum of 24 hours in advance at 407-851-7730.

2.4 Conduct of Meetings.

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

2.5 Regular Meetings.

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

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

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

2.6 Special/Town Hall Meetings.

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

2.7 Emergency Meetings.

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

2.8 Work Sessions.

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

2.9 Executive Sessions.

Executive Sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 286.0113 of the Florida State Statutes. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

The City Council can retire into an Executive Session as stated on a posted agenda during a regular or special meeting if a motion is duly made and seconded and affirmed by a majority of the Council. However, before the said session begins, the presiding officer shall announce that the Executive Session is commencing. The order in which an Executive Session may appear on the agenda is subject to the discretion of the City Council. A certified record of the meeting will be created by the presiding officer or his or her designee, sealed and permanently kept, subject to opening by Court order. No voting or action shall be taken by the City Council during an Executive Session. No other subject but that posted on the agenda is to be considered. Adjournment of the Executive Session and any vote needed shall be made during the open public meeting.

A member of the governmental body who, without lawful authority, knowingly discloses to a member of the public the certified agenda for a meeting that was lawfully closed to the public under the Open Meetings Act is liable for: (a) actual damages; (b) reasonable attorney fees and court costs; and possibly (c) exemplary damages. The presiding officer must certify that the agenda is a true and correct record of the executive session. The certified agenda must include (1) a statement of the subject matter of each deliberation, (2) a record of any further action taken, and (3) an announcement by the presiding officer at the beginning and the end of the closed meeting indicating the time and date.

2.10 Recessed Meetings.

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

2.11 Quorum.

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

2.12 Conflict of Interest.

A Council Member prevented from voting by a conflict of interest shall file a conflict of interest statement with the City Clerk as soon as possible after the posting of an agenda, which contains a conflict, unless an applicable conflict of interest questionnaire has already been filed.

A Council Member prevented from voting by a conflict of interest shall step down from the dais and take a seat in the audience, shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence the Council's deliberation of the matter in any way, shall not attend Executive Sessions regarding the matter, and shall otherwise comply with the state law and city ordinances concerning conflicts of interest.

2.13 Presiding Officer.

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

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

The Presiding Officer is entitled to participate in the discussion and debate, but debate but is not entitled to vote on business before the City Council. The Presiding Officer of boards and commissions is

entitled to vote on business before the Board or Commission, and Commission and shall be the person selected by the board or commission as the chair, co-chair, or vice chair. If these persons are not in attendance, the board or commission shall choose a temporary presiding officer from among the members in attendance.

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

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

* taken from “Roberts Rules in Plain English”

2.14 Minutes of Meetings.

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

2.15 Suspension and Amendment of Rules.

Any provisions of these rules not governed by federal, state law or the City Charter may be temporarily suspended by a majority vote of the City Council and may be amended in a similar fashion if such amendment was introduced at the previous regular meeting of the City Council and shall have received preliminary approval of the City Council at such meeting. For the purpose of this section, preliminary approval shall mean motion and a second with a majority vote to preliminary approve the amendment.

ARTICLE 3. PARLIAMENTARY PROCEDURE

3.1 Purpose.

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

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

3.2 Model Format for an Agenda Item Discussion.

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

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

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

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

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

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

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

3.3 Types of Council Actions

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

1. Ordinances

An ordinance adopted by the Council is a law of the City that may be enforced through the court system. The City Manager or any member of the Council may offer an ordinance for consideration

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

A proposed ordinance may be amended, but any ordinance amended in substance must be reconsidered at the next regular meeting, except for ordinances authorizing the issue of bonds or other obligations. The Charter requires that the City codify all general obligations. General ordinances are those ordinances of a permanent or continuing nature that affect the residents of the City at large. The Council may legislate by ordinance only.

SCRIPT for Reading an Ordinance

An Ordinance (Read Title)

Mayor: This is the time scheduled for the 1st (2nd) reading of Ordinance (#). Madam Clerk, please read the Ordinance by Title only.

Clerk reads the Ordinance.

Mayor: The Ordinance was published on the City's website on (Date). If you wish to speak at tonight's hearing, please make sure that you have signed in with the City Clerk.

(Summary from Staff)

Is there anyone from the public who wishes to speak?

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

(If someone wants to speak):

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

- 1. No person shall speak without first being recognized by the Mayor.**
- 2. Each person will be allowed FIVE minutes to speak.**
- 3. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.**
- 4. There shall be no audience demonstrations such as applause, cheering, display, signs or conduct disruptive of the hearing. Such conduct may be grounds for immediate termination of the hearing.**
- 5. No person shall present irrelevant, immaterial, or unduly repetitious oral argument.**
- 6. The Mayor, other Council members, and, with approval of the Mayor, the City Manager or any other officer or employee of the City, may question any person who submits oral argument.**

We will now take public testimony. Prior to addressing the Council, please state your name and address.

(Listen to testimony, when everyone is done):

*****The public hearing on the Ordinance ____ is now closed. City Council will deliberate on the adoption of Ordinance ____.**

2. Resolutions

Resolutions do not have the force of law. A resolution is adopted to state a policy or to define in writing the intent of the Council when a law is not necessary. Examples would include a resolution to define the scope and purpose of a Council committee, or a resolution to define the Council's policy on an issue. Resolutions are also used to document Council actions for reference. A list of resolutions is also maintained by the City Clerk.

3. Council Actions

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

3.4 The Basic Motions.

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

3.5 The Motion to Amend.

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

3.6 Discussion and Debate.

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

3.7 Other Motions.

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

- *Motion to Adjourn.* This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
- *Motion to Recess.* This motion, if passed, requires the Council to immediately take a recess. Normally the Mayor will determine the length of the recess, which could last for a few minutes to several hours. It requires a simple majority vote.
- *Motion to Fix the Time to Adjourn.* This motion, if passed, requires the Council to adjourn the meeting at the specific time set in motion. For example, "I move we adjourn this meeting at Midnight." It requires a simple majority vote.
- *Motion to Table.* This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda to be placed on hold. The motion may contain a specific time to

bring the item up again, or it may not specify a time. If no time is specified, the item shall be placed on the agenda at the following Council meeting.

- *Motion to Remove from Table.* This motion, if passed, allows the Council to remove an item previously placed on hold. A vote in favor of removing an item from the table must be made before the Council can take action on an item that was tabled.
- *Motion to Limit Debate.* This motion is sometimes referred to as, “moving the question” or, “calling the question.” When a member of the Council makes such a motion, the member is saying, “I have had enough discussion, let’s vote on the issue.” When such a motion is made, the Mayor should ask for a second, stop the discussion and vote on the motion to limit debate. The motion requires two-thirds or super majority vote to pass. Meaning, the number of Council Members voting for the motion must equal four or more.
- *Motion to Object to the Consideration of an Item.* This motion, if passed, precludes the City Council from even considering the item on the agenda. It does not preclude the item from appearing on a future agenda. (Normally, this motion is unnecessary, because the objectionable item can be defeated outright or tabled.)
- *Motion to Suspend the Rules.* This motion allows the Council to suspend its own rules for a particular purpose. For example, the Council may desire to give a particular speaker more time than normally allowed. A “motion to suspend the rules and give the speaker ten additional minutes,” accomplishes this desire.

3.8 Motion to Reconsider.

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

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

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

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

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

3.9 Courtesy, Decorum and Order.

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

1. *Request to Speak.* Before a Council Member, staff member or an audience member may speak, they must first be recognized by the Mayor. Upon recognition, the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Public comments must be kept relevant to the subject before the Council. The Mayor shall rule on the relevance of the comments. Persons making irrelevant, personal, impertinent, overly redundant or slanderous remarks may be barred by the Mayor from the further comment before the Council during the meeting. Audience members who wish to speak during an agenda must first complete a Citizen Comment Request Form and submit it to the City Clerk. The Mayor has the right to cut a speaker off if the discussion becomes too personal, too loud, too crude, irrelevant, impertinent, redundant, or slanderous.
2. *Order.* If a person fails to request to speak before speaking, the Mayor shall rule them Out of Order and remind them that they do not have the floor. While the Council is in session, all Council Members must preserve order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other person while speaking or refuse to obey the orders of the Mayor. Members of the City Council should not leave their seats during a meeting without first obtaining the permission of the Mayor, or making a Motion to Recess.
3. *Improper References Prohibited.* Every person desiring to speak shall address the entire Council and shall not single out a member of the Council, the audience or a staff member. Speakers shall confine themselves to the question under debate, avoiding all personal attacks and indecorous language.
4. *Interruptions.* A Council Member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or other such interruption expressed below. If the Council Member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and if the Council Member is found to be in order, he or she shall be permitted to proceed to speak. Allowable interruptions or, points of order are as follows:
 - a. *Point of Privilege.* The proper interruption would be: "Point of Privilege." The Mayor would then ask the interrupter to, "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room might be too hot or cold, or a fan motor might interfere with a Council Members ability to hear.
 - b. *Point of Order.* The proper interruption would be: "Point of Order." The Mayor would then ask the interrupter to, "state your point." Appropriate points of order related to anything that would not be considered the appropriate conduct of the meeting. For example, if the Mayor called for a vote on a motion that permits debate without allowing any discussion.
 - c. *Motion to Appeal.* If the Mayor makes a ruling that a member of the body disagrees with, then that member may appeal the ruling of the Mayor by stating, "motion to

appeal.” If the motion is seconded and after the debate if it passes by a simple majority vote, the ruling of the Mayor is reversed.

- d. *Call for orders of the day.* This is simply another way of saying, “let’s return to the agenda.” If a Council Member believes the discussion has strayed from the agenda. The motion does not require a vote. If the Mayor discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.
- e. *Withdraw a Motion.* During the debate and discussion of motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn, and discussion on the motion shall cease. Council Members are free to make the same motion or another motion.

3.10 Enforcement of Rules and Procedures.

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

1. *Warning.* The Mayor may order any person (Council Member, staff member or audience member) in violation of these rules to be silent.
2. *Removal.* If, after receiving a warning from the Mayor, the person continues to disturb the meeting or breach the peace and good order of the meeting, the Mayor may order the person to leave the meeting. If the person does not leave the room, the Mayor may order the Sergeant-at-Arms to remove the person.
3. *Sergeant-at-Arms.* The Sergeant-at-Arms shall be the highest-ranking police officer in attendance at the Council Meeting or such other officer designated by the Chief of Police for that purpose. Upon instruction of the Mayor, it shall be the duty of the Sergeant-at-Arms to remove from the meeting any person who intentionally disturbs the proceedings of the City Council. A violation of these rules may be deemed an attempt to disrupt, obstruct, and/or interfere with a lawful meeting and subject the violator to prosecution under state law for disrupting a lawful meeting. (FS 877.03)
4. *Resisting Removal.* Any person who resists removal by the Sergeant-at-Arms may be charged with violating FS 843.02.
5. *Motion to Enforce.* Any Council Member may move to require the Mayor to enforce these rules and the affirmative vote of a simple majority of the Council shall require the Mayor to do so. A motion to enforce is an allowable interruption and is not debatable.

3.11 Council May Discipline its Own Members.

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

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

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

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

ARTICLE 4. PACKET PREPARATION, POSTING AND AGENDA ORDER

The City Manager, with input from the Mayor and City Clerk, shall prepare an agenda and meeting packet and cause the same to be posted a minimum of 96 hours prior to the meeting. Agenda packets shall be delivered to the City Council, in the format requested by each Council Member, on or before 6:00 PM of the day of the posting, or within such other times as established by the City Council from time to time. In the event of an emergency meeting of the City Council, this provision shall be suspended when not inconsistent with the provisions of federal or state law or the City Charter.

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

4.1 Packet Preparation and Posting

1. Preparation of the Packet. Not later than the sixth day prior to said meeting, the City Clerk shall prepare the packet, which shall include the agenda plus all its corresponding duplicated agenda items. Reports carried over Unfinished Business need not be reproduced again.
2. Distribution and Posting of Agenda.
 - a. The City Clerk shall post each agenda of the City Council regular meeting no later than six days prior to the meeting and shall post each agenda of a special meeting at least 24 hours in advance of the meeting in the official bulletin board. The City Clerk shall maintain an affidavit indicating the location, date and time of posting each agenda.
 - b. The City Clerk shall also post agendas and packet materials and annotated agendas of all City Council meetings and notices of public hearings on the City's website.
 - c. No later than six days prior to a regular meeting, copies of the agenda packet shall be emailed by the City Clerk to any resident of the City of Belle Isle who so requests in writing.
3. Distribution of the Agenda Packet. The Agenda Packet shall consist of the Agenda and all supporting documents for agenda items. No later than six days prior to a regular meeting, the City Clerk shall:
 - a) distribute the Agenda Packet to the Mayor, each Council member and City Manager;
 - b) post the Agenda Packet to the City's website;
 - c) place viewing copy of the Agenda Packet with the Receptionist;
 - d) make the Agenda Packet available to members of the press (if requested), and
 - e) make copies of the Agenda Packet available to the public (standard copy rates will apply).
4. Failure to Meet Deadlines.

- a) The City Clerk shall not accept any agenda item or revised agenda item after the deadlines established.
- b) Matters not included on the published agenda may be discussed and acted upon as otherwise authorized by State law or providing the Council finds one of the following conditions is met:
 - A majority of the Council determines that the subject meet the criteria of "Emergency".
 - A majority of the Council determines that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the agenda.
- c) Matters listed on the printed agenda but for which support materials are not received by the City Council on the fifth day prior to the said meeting as part of the agenda packet, shall not be discussed or acted upon.

4.2 Call to Order.

The Mayor shall call the meeting to order.

4.3 Invocation/Pledge of Allegiance

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

4.4 Presentations and Proclamations.

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

4.5 Citizen Comments.

Persons desiring to address the Council must complete and provide to the City Clerk a yellow "Request to Speak" form located by the door. After being recognized by the Mayor, persons are asked to come forward and speak from the lectern, state their name and address, and direct all remarks to the Council as a body and not to individual members of the Council, staff or audience. Citizen comments and each section of the agenda where public comment is allowed are limited to three (3) minutes. Citizens may "donate" their time to another speaker; however, the total time given to any one speaker will be no more than ten (10) minutes unless a motion is passed by Council to allow more time. Questions will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted.

4.6 Consent Agenda Items.

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

All items set out in the Consent Agenda shall be deemed passed upon passage of an affirmative motion, by a vote of the majority of the members of the City Council then seated, that the Consent Agenda be

adopted. No further action shall be deemed necessary, and all such items appearing on the Consent Agenda, upon passage of such motion, shall be deemed adopted as if voted upon separately and as if the caption and/or body of any ordinance therein set out shall have been read in full.

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

4.7 Public Hearings.

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

Script for Public Hearing

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

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

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

I will now ask if any members of the audience wish to challenge and member of the governing body on the appearance of fairness and the reasons for the challenge. (Any member challenged should be given the opportunity to either disqualify or refuse to disqualify him- or herself. Any member disqualified based on the appearance of fairness must leave the hearing room and must not participate further concerning the

application.)

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

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

We will now hear the Staff Report.

We will now hear from the Applicant

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

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

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

(If someone wants to testify):

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

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

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

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

(Listen to testimony, when everyone is done):

Any rebuttal by staff or applicant

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

4.8 Ex-Parte Communications.

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

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

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

4.9 Regular Agenda Items.

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

4.10 City Attorney’s Report.

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

4.11 City Manager’s Report.

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

4.12 Mayor’s Report.

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

4.13 City Council Reports.

This section is used for reports and announcements provided by each Council member. The

Council may request future items to be placed on a future agenda at this time. An additional member of the Council must concur with a request for an item to be placed on a future agenda. No discussion or deliberation of the items may take place at this time.

4.14 Adjournment.

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

ARTICLE 5. WORK SESSION POLICIES AND PROCEDURES

5.1 Purpose.

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

5.2 Agenda.

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

5.3 Technical Questions.

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

5.4 Prohibitions Against Formal Actions.

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

5.5 Audience Comments or Questions.

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

ARTICLE 6. RULES GOVERNING CITIZEN COMMENTS

6.1 Purpose.

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

6.2 Mayor to State Rules for Citizen Comments.

Immediately preceding the opening of a public hearing, or resident input on an agenda item, or to receive comments on non-agenda items, the Mayor shall summarize the rules governing comments from the

audience. The Mayor may direct the City Clerk to publish the rules in the Council Chambers.

6.3 Rules Governing Citizen Comments.

1. If a large number of residents wish to comment, the Mayor may set a limit on the amount of time devoted to citizen comments and the amount of time allowed for each citizen. It is suggested that a maximum of 30 minutes will be devoted to receiving comments from the public on agenda items. Each speaker is limited to a maximum timed limit of three minutes.
2. Citizens may “donate” their time to another speaker; however, the total time given to any one speaker will be no more than ten (10) minutes unless a motion is passed by Council to allow more time.
3. No individual may address the Council without submitting a Citizen Comment Request Form. The form must clearly state the subject or issue on which the resident wishes to speak. If the subject matter does not pertain to city business, the Mayor shall advise the individual and/or make recommendations as to how they may get the issue addressed.
4. Residents speaking on agenda items shall restrict their comments to the subject matter listed.
5. Residents speaking on non-agenda items shall only speak on matters pertaining to city business or issues which the Council would have the authority to act upon if brought forth as an agenda item.
6. Council may not act upon or discuss any issue brought forth as a non-agenda item; except to:
 - a. Make a statement of specific factual information given in response to the inquiry, or
 - b. A recitation of existing policy in response to the inquiry.Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting, or direct staff to review.
7. Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, or personal attacks are strictly prohibited, and violators may be removed from the Council Chambers.
8. No placards, banners or signs may be displayed in the Council Chambers or City Hall. Exhibits relating to a presentation are acceptable.
9. Arguing, intimidation or other disruptive behavior is prohibited. Discussion and/or debate are acceptable only on items specifically listed on the agenda.
10. Unauthorized remarks from the audience, stomping of feet, applauding, whistles, yells, or any type of disruptive behavior is prohibited. Applause of appreciation may be acceptable when recognizing a significant event or achievement.
11. Council meetings are the workplace to carry out the business of the City of Belle Isle; therefore, any conduct that could constitute harassment in the workplace is prohibited.
12. In all cases, the Mayor shall preside over the Council meeting and ensure that proper conduct and decorum is adhered to.

6.4 Preservation of Order.

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

ARTICLE 7. BOARDS AND COMMISSIONS

7.1 General.

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

7.2 Meeting Times and Agenda Order.

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

7.3 Boards with Regulatory Authority.

The Planning and Zoning Commission has regulatory authority.

7.4 Boards without Regulatory Authority.

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

7.5 Appointments.

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

7.6 Board Members.

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

7.7 Open Government Training.

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

7.8 Council Liaisons.

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

TABLE OF MOTIONS AND POINTS OF ORDER

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

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



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

Meeting Date: October 30, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

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

Background: CCA has requested use of the Wallace Field for athletic activities, specifically for football practice. Currently, CCA practices on their game field. This causes maintenance issues for CCA because the game field has to be repaired prior to a game. For the past year, the City and CCA have been working on an agreement to allow CCA to use Wallace Field. At the last CCA Board meeting, the Board approved the agreement.

Staff Recommendation: Approve the agreement

Suggested Motion: I move we approve the agreement with CCA for use of the Wallace Field.

Alternatives: Do not approve.

Fiscal Impact: None. Part of the agreement is for CCA to develop the field at their expense.

Attachments: Use Agreement executed by CCA Board.

AGREEMENT
FOR NON-EXCLUSIVE USE OF WALLACE FIELD

THIS AGREEMENT FOR NON-EXCLUSIVE USE OF WALLACE FIELD (the "Agreement") is made this ____ day of _____, 2018 by and between the City of Belle Isle, a Florida municipal corporation whose mailing address is 1600 Nela Avenue, Belle Isle, FL 32809 (the "City"), and City of Belle Isle Charter Schools, Inc., a Florida not-for-profit corporation which operates Cornerstone Charter Academy, a Florida municipal charter school whose mailing address is 5903 Randolph Avenue, Belle Isle, Florida 32809 ("CCA").

RECITALS:

A. The City owns that certain real property upon which a field commonly known as Wallace Field (the "Property") is located at E. Wallace Street intersection with Matchett Road which Property has Orange County Tax Parcel Identification # 24-23-29-8977-00-021.

B. The Property is located within the City and is zoned Public Buildings District (PUB) which permits Open Space/ Recreational Facility.

C. CCA desires to utilize the Property as a practice field for CCA's athletic programs, and to perform certain improvements to the Property, and the City desires to authorize such use and improvements on the terms, conditions, and provisions provided herein.

AGREEMENT:

NOW, THEREFORE, in consideration of the mutual promises herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Recitals.** The foregoing recitals are true and correct, are incorporated herein by this reference, and form a material part of this Agreement.

2. **Construction, Maintenance and Repair**

(a) *Site Plan Approval.* CCA shall, at its expense, prepare a professionally drawn site plan for the Property which site plan must meet the City's code requirements and which site plan is subject to initial approval by City Staff. Upon such initial approval, City Staff shall take such actions as the City deems appropriate for seeking approval of the use, including but not limited to preparing the application for site plan approval and acting as the applicant before the City's Planning and Zoning Board. The City may in its discretion authorize use of the Property by CCA prior to site plan approval, which use shall be subject to the terms, conditions, and provisions of this Agreement except that the City may terminate such use and this Agreement at any time prior to site plan approval. In the event CCA's proposed site plan is denied by the City, either the City or CCA may terminate this Agreement upon written notice to the other party. If the site plan is approved by the City's Planning and Zoning Board and becomes final without a challenge or appeal, it shall be the "Site Plan" as hereafter referred to in this Agreement.

(b) *Improvements to Property.* On or before _____, CCA shall construct and make all of the improvements on the Property according to the approved Site Plan. The fees, costs, and expenses for the design, permitting, construction and improvements will be the sole responsibility of CCA. Additional construction and improvements may not be performed absent written consent by the City.

(c) *Maintenance by CCA.* CCA, at its cost, shall keep the Property in a neat, clean, and safe condition during and immediately following each event and use of the Property by CCA. After each event and use of the Property by CCA, and before leaving the Property, CCA shall remove any tangible personal property, equipment, waste, temporary signs, and other items associated with CCA's event or use of the Property except where authorized by the City, and CCA, at its cost, shall fully restore the Property to a clean, safe, and orderly condition to the satisfaction of the City in the City's sole discretion. CCA shall promptly repair any damage to the Property arising from the use of the Property by CCA or its agents, employees, attendees, students, etc.

(d) *Maintenance by City.* Except for the responsibilities assigned to CCA under subparagraph 2(c) above, the City shall maintain the appearance and general condition of the Property in a neat and clean manner. Maintenance Costs incurred by the City shall be evenly split between the parties. The City will bill CCA for such costs via itemized invoices, which must be paid within 30 days of receipt by CCA.

(e) *Ownership.* This Agreement grants a license to CCA for the express purposes set forth herein and does not convey any property or equitable interest (including leasehold interest) in the Property to CCA. Any improvements constructed or installed upon the Property with the approval of the City shall be and remain property of the City solely. CCA shall take such additional actions as are necessary in the City's discretion to convey ownership of any improvements that it constructs or installs on the Property to the City. The City reserves all rights of ownership in the Property.

(f) *No Liens.* CCA acknowledges and agrees that the Property is owned by a municipality and therefore is not subject to construction liens pursuant to Chapter 713, Florida Statutes or other liens and encumbrances due to the City's sovereign immunity and constitutionally protected status. CCA shall not permit and shall affirmatively prevent any construction or mechanic's lien and any other lien or encumbrance to be filed or claimed against the Property for any labor, services or materials furnished to the Property, improvements to the Property by CCA or otherwise filed or claimed arising out of or concerning the actions or omissions of CCA or CCA's agents, employees, invitees, contractors, subcontractors, laborers, materialmen, vendors, and licensees.

3. **Use of Property**

(a) *Use Restrictions.* CCA is authorized to conduct practice for its athletic programs, and other uses on the Property as approved by the City in the City's sole discretion. Use of the Property by CCA shall be during daylight hours only. The City shall have priority to use the Property for any purpose in the City's discretion, and the City shall endeavor but is not required to provide one day's written notice of potential interference with CCA's use of the Property and to coordinate with CCA. The City may close the Property for maintenance, repair or other reasons in the City's discretion and shall provide at

least one day's notice of closure of the Property if such closure would interfere with CCA's use of the Property. Further, the City may close the Property for an emergency. CCA has no rights to allow any organization, group, corporation, entity, person or persons, other than CCA's students, coaches, faculty and administrators to use the Property, consistent with this Agreement, as CCA's use rights under this Agreement are only for CCA.

(b) *Non-Exclusive Use.* When the Property is not in use by CCA, the Property shall be available for use by the City, City-approved third party users, the general public, or any other user and for any purpose, all as determined by the City in the City's sole discretion. After any use of the Property by the City or City-approved third-party users, the City shall remove any equipment, waste, signs, and other items associated with the use of the Property that the City does not intend to allow to remain on the Property and shall restore the Property to a clean, safe and orderly condition. The City shall promptly repair any damage to the Property arising from the use of the Property by the City or its approved third-party users.

(c) *Parking and Traffic.* The parties anticipate that CCA's use of the Property will bring additional vehicular traffic to the area. Except for official City vehicles or CCA vehicles necessary to transport equipment to and from the Property or to otherwise maintain the Property, parking shall only be allowed on CCA property, and shall not be allowed on the Property or abutting public right-of-way, absent written permission by the City. Unauthorized vehicles will be cited and/or towed at the owner's expense. Drop-off and pick-up of students at the Property will not be allowed. It is the responsibility of CCA to convey these rules to the students, coaches, faculty, and parents, and for CCA to enforce said rules.

4. **Insurance & Indemnification**

(a) *Insurance.* CCA shall at its sole cost provide liability coverage with the City named as an additional insured in the amount of One Million (\$1,000,000.00) Dollars per occurrence, and Three Million (\$3,000,000.00) Dollars in the aggregate. All insurance shall be obtained from companies authorized to do business in the State of Florida and which have an AM Best rating of at least "A". Within five (5) days of the Effective Date, CCA shall cause the insurance company to provide a certificate of insurance confirming that the City is insured by the insurance company in accordance with the provisions of this Agreement. Further, CCA and the insurance company shall provide the City with a copy of the policy of insurance within thirty (30) days of the Effective Date. Further, the policy and certificate shall provide for not less than thirty (30) days advance notice to the City before cancellation, expiration or alteration of any policy of insurance. CCA agrees to maintain such policy of insurance during the term of this Agreement, and any failure to do so will constitute a breach of this Agreement. Also, the policy will be primary over any other collectible insurance for any liability arising out of claims in connection with this Agreement.

(b) *Indemnification.* CCA hereby indemnifies and agrees to hold harmless the City and its elected and appointed officials, employees, and agents, from and against any and all liabilities, claims, demands, losses, expenses, damages, fines, fees, penalties, suits, proceedings, actions, costs, and other liabilities, including without limitation litigation costs and attorney's fees for trials and appeals, claimed or asserted by or on behalf of any person arising from any act or omission of CCA or its agents, officers,

employees, contractors, or students related to CCA's use of the Property, but excluding only such matters that are caused by the sole negligence of the City or its officials or employees. This paragraph shall survive termination and expiration of this Agreement.

(c) *Sovereign Immunity.* Nothing contained in this Agreement nor in any instruments executed pursuant to the terms of this Agreement shall be construed as a waiver or attempted waiver by the City or CCA of their respective sovereign immunity protections or of any other privilege, immunity or defense afforded to them or any of their respective officials, employees and agents under the Constitution and laws of the State of Florida.

5. **Term & Breach**

(a) *Duration.* Unless earlier terminated pursuant to the provisions of this Agreement, the term of this Agreement shall be ten (10) years from the Effective Date of this Agreement, and shall automatically renew for additional ten (10) year periods unless either party delivers written notice to the other party of its intent not to renew at least ninety (90) days prior to expiration of the current term.

(b) *Termination.* The City may terminate this Agreement prior to the expiration upon ninety (90) days written notice if the City determines in its sole discretion that the Property should be sold or used for some other purpose. CCA may terminate this Agreement upon ninety (90) days written notice to the City, after which termination, CCA shall cease all use of and responsibility for maintenance of the Property. Either party may terminate this Agreement upon breach by the other party if the breaching party fails to cure the breach, or take reasonable steps to cure the breach, within thirty (30) days written notice of the breach to the other party. Provided however, that if the City terminates this Agreement prior to the end of the initial 10-year term and provided the improvements to the Property made by CCA are in good condition, the City shall reimburse CCA the reasonable construction expenses for the physical improvements to the Property approved by the City which expenses were paid by CCA as such are documented to the reasonable satisfaction of the City in improving the Property, on a pro rata basis proportionate to the number of years remaining in the term. The City and CCA may at any time mutually agree to terminate this Agreement.

(c) *Property Condition.* Upon termination or expiration of this Agreement, CCA shall remove all tangible personal property and equipment, except to the extent the City otherwise allows such to remain, and leave the Property in good, clean, and neat condition, aside from wear and tear due to normal use.

(d) *Default.* The following occurrences or events shall constitute a material default of this Agreement by CCA for which the City may immediately terminate this Agreement upon written notice to CCA: (i) the filing by or against CCA in any court, pursuant to any statute, either of the United States or any state, of a petition in bankruptcy alleging insolvency or seeking reorganization, the appointment of a receiver or trustee, an arrangement under the Bankruptcy Acts, or any similar type of proceeding and the failure of CCA to cause any such filing to be dismissed within a period of 20 days after the date of such filing; (ii) CCA making or proposed making of an assignment for the benefit of creditors; or (iii) CCA abandons use of the Property for a period of six (6) months or more.

6. **General Provisions**

(a) *Attorney Fees.* In the event of any dispute or any lawsuit to enforce the terms of this Agreement, each party shall bear their own attorneys' fees and costs.

(b) *Entire Agreement.* This Agreement constitutes the entire agreement of the parties and supersedes all previous promises, negotiations, representations, and statements with respect to its subject matter. This Agreement may not be modified or amended except by a written instrument equal in dignity herewith and executed by the parties to be bound thereby.

(c) *Non-Waiver.* No consent or waiver, expressed or implied, by either party, to or of any breach or default of the other party, with regard to the performance by said other party of its obligations under this Agreement shall be deemed or construed to constitute consent or waiver, to or of, any other breach or default in the performance of that party, of the same or of any other objection of performance incumbent upon that party. Failure on the part of either party to complain of any act or failure to act on the part of the other party in default, irrespective of how long the failure continues, shall not constitute a waiver by that party of its rights and any remedies that exist under this Agreement, at law, or in equity. Further, nothing herein shall constitute a waiver of the City's home rule or police power authority.

(d) *No Third Party Beneficiaries.* This Agreement is intended solely for the benefit of the parties hereto, and their respective successors in interest and title. No right or cause of action shall accrue under or by reason of this Agreement to or for the benefit of any third party. Nothing contained in this Agreement, whether expressed or implied, is intended, nor shall be construed, to confer upon or give to any person or entity not a party hereto any right, remedy or claim under or by reason of this Agreement or any particular term, provision or condition of this Agreement other than the parties hereto and their respective successors in interest and title.

(e) *Binding Effect & Assignment.* This Agreement shall be binding upon the parties and their respective successors in interest and title. Neither this Agreement nor any of the rights, interests, or obligations under this Agreement shall be assigned by CCA without the prior written consent of the City, in the City's sole discretion.

(f) *Governing Law; Venue.* This Agreement is governed by and construed in accordance with the laws of the State of Florida, and venue for any action arising out of or related to this Agreement shall be in Orange County, Florida.

(g) *Severability.* If any particular term, provision or condition of this Agreement, the deletion of which would not adversely affect the receipt of any of the material benefit of this Agreement by either party hereto or substantially increase the burden of this Agreement upon either party hereto, shall be held to be invalid or unenforceable to any extent by a court of competent jurisdiction, the same shall not affect in any respect whatsoever the validity or enforceability of the remaining terms, provisions and conditions of this Agreement.

(h) *Warranties/Representations.* Each party represents that he, she, or it has full authority to execute this Agreement. The City makes no representations or warranties regarding the suitability of the

Property for any use to which CCA intends to put or will put the Property. CCA warrants that CCA has full right and authority to engage in the activities that CCA intends to pursue on the Property under this Agreement. The City in no way warrants or guarantees that CCA will be able to obtain any necessary permit or approval from the City or other governmental agency.

(i) *Time of the Essence.* Time is of the essence for performance of obligations under this Agreement.

(j) *Notice.* Any notices permitted or required hereunder shall be in writing and shall be deemed to have been duly given as of the date and time the same are personally delivered, transmitted electronically, or within three (3) days after depositing with the United States Postal Service, postage prepared or by registered or certified mail, return receipt requested, or within one (1) day after depositing with an overnight delivery service, to a party's address as provided in the introductory paragraph of this Agreement.

(k) *Compliance with Laws/Regulations.* CCA shall comply with all applicable federal, state, and local laws, ordinances, rules, and regulations. CCA shall be responsible for: (i) securing all appropriate permits and approvals related to the, design, permitting and construction on, and use of, the Property from the City unless and then only except as may be otherwise expressly provided herein; and (ii) for complying with all applicable state and local agencies, concerning CCA's use of the Property and operation thereon under the Agreement.

(l) *No Pledge of Taxation.* In no event shall any obligation of the City under this Agreement be or constitute a general obligation or indebtedness of the City, a pledge of the ad valorem taxing power of the city or a general obligation or indebtedness of the city within the meaning of the Constitution of the State of Florida or any other applicable laws, but shall be performed or paid solely from legally available revenues and appropriated funds.

(m) *Execution, Effective Date & Non-Waiver.* This Agreement may be executed in separate copies by the parties or as part of a single document. Any facsimile or electronic copy of this Agreement, and all signatures thereon, shall be considered for all purposes as an original. This Agreement shall be effective as of the date that it is last executed by the parties and approved by the Belle Isle City Council (the "Effective Date"). By approving and executing this Agreement, the City in no way waives the City's right to contest, and the City does not hereby consent to or agree to the validity of, CCA's bylaws and past or future modification of the CCA bylaws which have diminished or will in any way diminish the City's right to appoint or select CCA board members, and any other actions of CCA which have been or will be inconsistent with the school charters or any provision of law.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement as of the Effective Date.

CITY OF BELLE ISLE
CITY COUNCIL

Mayor Lydia Pisano

ATTEST:

Yolanda Quiceno, City Clerk

Date

CITY OF BELLE ISLE CHARTER SCHOOLS,
INC



Signature

William G. Brooks

Print Name

Chairman

Position/Title

10/11/18

Date



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

Meeting Date: October 30, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Landscaping Bid

Background: The City advertised for landscaping services. The RFP was advertised on September 8 with a closing date of October 23. On October 8, a mandatory pre-bid meeting was held to take a tour of the City with the Public Works Supervisor to show prospective bidders what needed to be done. Contractors needed to attend the meeting if they were going to bid on the project. The City had two companies, GroundWerks and Millennium Grounds, show up for the mandatory meeting and were given the tour. After the mandatory meeting two other contractors asked for an RFP, but were told they couldn't bid because they missed the mandatory meeting.

The City opened the bids on October 24. The results were: GroundWerks - \$110,400; Millennium - \$175,400.

The current contract with Dora Landscaping ends on December 7, 2018 and this contract is to start on December 10, 2018.

Staff Recommendation: Approve the bid of GroundWerks for \$110,400

Suggested Motion: I move we approve the bid of GroundWerks in the amount of \$110,400 for Landscape Maintenance Services.

Alternatives: Reject all bids and re-advertise.

Fiscal Impact: \$110,400. \$95,000 was approved in the 2018-19 Budget; therefore a budget amendment for \$15,400 will need to be passed prior to the end of the fiscal year.

Attachments: RFP Ad
Bid Sheets

PREBID MEETING LANDSCAPE

NAME

COMPANY

PHONE NUMBER

Rob Esparza
Burrut Chen

Millennium Grounds + Waters
GROWD WERD

407.625.1466
(907) 468-9151

10:09 am

Thick green ink

The City of Belle Isle, Florida is requesting sealed bids for completing the **LANDSCAPE MAINTENANCE REQUEST FOR PROPOSAL (RFP)**, including all labor, materials and equipment. The expected start date for this contract will be on or about December 10, 2018. The bids will be received at the Office of the City Clerk, City Hall, 1600 Nela Avenue, Belle Isle, Florida, 32809, **until October 23, 2018, no later than 4:00pm (EST)** at which time bids will be opened in the Council Chambers Room, 1600 Nela Avenue, Belle Isle, FL 32809 and publicly read aloud. Bids received after the above time and date will be returned unopened.

There will be a **MANDATORY** pre-bid meeting for the project. Before submitting a bid, each bidder shall have the opportunity to thoroughly examine the Project and fully understand the conditions that in any way may affect the work proposed. Failure to inspect the Sites will in no way relieve the successful contractor from the necessity of furnishing any materials or performing any labor necessary for the satisfactory completion of the work.

A project tour has been established for **October 3, 2018, 10:00am**. All bidders are invited to tour the property at that time. Each bidder will be allowed to ask questions and will be provided with property information. Inquiries for specific information will not be entertained prior to the aforementioned tours.

The work consists of performing landscape maintenance, including all labor, materials, and equipment as outlined in this document. Specific components of the project include, not limited to, site preparation, irrigation maintenance, fertilization, pruning, mowing, edging, weeding, and removal of grass clippings, trash, and debris.

Copies of the RFP are available for public inspection at the office of the City Clerk in City Hall 1600 Nela Avenue, Belle Isle, Florida, 32809; 407-851-7730.

No bid may be withdrawn for a period of sixty (60) days after the scheduled closing time for receiving bids.

It is the City's intent to award the project to the lowest qualified Bidder. However, the City reserves the right to waive all informalities in any bid, to reject any and all bids or any part of any bid with or without cause, re-advertise for all or any part of the work contemplated, and/or accept the bid that in its judgment will be in the best interests of the City.

Bids must be submitted on the Bid Form provided in this document. No facsimile, telegraphic or e-mail submissions will be accepted.

LOCATION NAME	Time Frame	COST PER SERVICE YEARLY
Mowing 4 times/month	April - November	15360.00
Mowing 2 times/month Dec-Mar	December - March	26140.00
Check Irrigation & Maintain Fertilization of Landscape and lawns 2 times a year at all locations	May and November	8900.00

LOCATION NAME	LIMITS	COST PER SERVICE YEARLY
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Chemical treatment of all weeds in lawn area monthly for all areas listed below.

1) Hoffner Avenue Right of Way	West City limit to Conway Road	Included ↓
2) Perkins Road Right of Way	Gondola Avenue to Lake Drive	
3) Overlook Road	Along wall to Matchett Road	
4) Perkins Boat Ramp	Entire property	
5) Venetian Boat Ramp	Entire property	
6) Windsor Place	Entire property - (2 retentions)	
7) City Hall	1600 Nela Avenue	
8) Police Department	1521 Nela Avenue	
9) Gilbert Park	Entire property	
10) Cove Drive Right of Way	Between Conway Road and Corner	
11) Swann Beach Park	Entire property	
12) Cross Lake Beach	Entire property	
13) Conway Circle Park	Entire property	
14) Labelle Beach	Entire property	
15) Holloway Park	Entire property	
16) Lesser Park	Entire property	
17) Peninsular Park	Entire property	
18) Dewayne Drive	Retention Pond	
19) Regal Park	Entire property	
20) Gene Polk Park	Entire property	
21) Trimble Park	Entire property	
22) Nela Avenue Bridge	Overlook Road to Homewood Drive	
23) Burbank Avenue	Right of Way	
24) Driscoll Court	Retention Pond	
25) Trentwood Blvd	Intersection of Daetwyler	
26) Huntley Ditch	Between Perkins and Idaho	
27) Nela Ditch	Between	
28) Matchett Road	Around Oak Tree in Right of Way	
29) Lake Drive ditch	At corner of Perkins Avenue	
30) Wilkes Park	Entire property	
31) Coleen Park	Entire property	
32) Wallace Avenue Property	Entire property	
33) Randolph/Wallace Property	School property (not included)	
TOTAL		110,400.00

LOCATION NAME	Time Frame	COST PER SERVICE YEARLY
Mowing 4 times/month	April - November	\$123,700.00
Mowing 2 times/month Dec-Mar	December - March	\$21,000.00
Check Irrigation & Maintain Fertilization of Landscape and lawns 2 times a year at all locations	May and November	\$22,700.00

LOCATION NAME	LIMITS	COST PER SERVICE YEARLY
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Chemical treatment of all weeds in lawn area monthly for all areas listed below.

1) Hoffner Avenue Right of Way	West City limit to Conway Road	\$ 48,500.00
2) Perkins Road Right of Way	Gondola Avenue to Lake Drive	4,900.00
3) Overlook Road	Along wall to Matchett Road	3,300.00
4) Perkins Boat Ramp	Entire property	2,300.00
5) Venetian Boat Ramp	Entire property	7,500.00
6) Windsor Place	Entire property - (2 retentions)	20,400.00
7) City Hall	1600 Nela Avenue	3,200.00
8) Police Department	1521 Nela Avenue	1,400.00
9) Gilbert Park	Entire property	1,000.00
10) Cove Drive Right of Way	Between Conway Road and Corner	7,600.00
11) Swann Beach Park	Entire property	1,500.00
12) Cross Lake Beach	Entire property	3,000.00
13) Conway Circle Park	Entire property	500.00
14) Labelle Beach	Entire property	600.00
15) Holloway Park	Entire property	1,000.00
16) Lesser Park	Entire property	500.00
17) Peninsular Park	Entire property	1,000.00
18) Dewayne Drive	Retention Pond	3,200.00
19) Regal Park	Entire property	900.00
20) Gene Polk Park	Entire property	11,800.00
21) Trimble Park	Entire property	1,900.00
22) Nela Avenue Bridge	Overlook Road to Homewood Drive	3,000.00
23) Burbank Avenue	Right of Way	2,400.00
24) Driscoll Court	Retention Pond	19,300.00
25) Trentwood Blvd	Intersection of Daetwyler	3,100.00
26) Huntley Ditch	Between Perkins and Idaho	500.00
27) Nela Ditch	Between	500.00
28) Matchett Road	Around Oak Tree in Right of Way	1,000.00
29) Lake Drive ditch	At corner of Perkins Avenue	500.00
30) Wilkes Park	Entire property	500.00
31) Coleen Park	Entire property	500.00
32) Wallace Avenue Property	Entire property	2,000.00
33) Randolph/Wallace Property	School property (not included)	15,200.00
TOTAL		\$ 175,400.00

**Belle Isle Issues Log
10/30/2018**

<u>Issue</u>	<u>Description</u>	<u>Start Date</u>	<u>POC</u>	<u>Expected Completion Date</u>	<u>Completed Action</u>	<u>Next steps</u>
Cornerstone Charter Academy Stormwater Discharge issue	In November, Orange County made City aware of turbidity issue with storm water discharge from CCA Property to OC Storm pipe. OC may fine City is not corrected.	1/11/2016	CM/CE	Open	Water sampling revealed that there are high levels of nitrogen causing algae blooms. OCEPD reviewing fertilizer put on the field. Harris Engineering to use GPR to find any unrecorded pipes. City will divert water from drainage ditch to Wallace Field.	As of October 4, project could be combined with Orange County Drainage Project on Matchett Road. (No Update)
Gene Polk Park (Delia Beach)	Drainage issue at Gene Polk Park caused erosion problems and makes the park unattractive. At least 3 plans have been developed for the drainage and Council allocated \$180,000 to correct the problem.	4/3/2017	CM/CE	9/30/2019	CM met with neighbors to go over plan. Neighbors will review plan as a group and then present their comments to City.	Delayed to determine FEMA Funds approval. (No Update)
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.	Reviewing proposal from Middlesex Paving for certain streets around City Hall. Still reviewing contractors for curbing for the same project.
Storm Drainage	Several individual projects are being looked at to complete. St. Partens, Nela , Wind Drift, and Seminole/Daetwyler.	4/3/2017	PW/ENG	8/31/2018	Construction plans being developed for St. Partin, Wind Drift, Nela Ave and Daetwyler for next budget year. LCS Project: Miami Curbs installed. Looking at collection vault on lake lot.	LCS Project started up again. Planning for other drainage projects approved in budget
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 drafting Transportation Plan. CM met with OC Traffic and business owners on proposed changes on Hoffner at the Conway/Hoffner intersection.
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.	New proposal to put 3-tier fountain at roundabout. When completed, another fountain will be looked at for City Hall area.

**Belle Isle Issues Log
10/30/2018**

Standardize Park Signage	Council held a workshop on June 14 to discuss park issues. Standardize signage was one of the issues. Council reviewed proposed signs and directed to move forward.	6/14/2017	CM	9/30/2018	New signs will be made and replace the current signs for parks. Meeting with sign maker on August 1st. New signs in for design	Signs to be completed by end of December
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.	Schedule workshop to determine amenities to field. Agreement for use of the field with CCA approved by CCA (10/30 Agenda Item).
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	Cross Lake Purchase at BOCC Public Hearing on October 2 was cancelled for failing to provide notice to neighbor. 2635 McCoy land donation completed. BOA purchase still being looked at.
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 would consider joint meeting with City Council which would determine next steps. Consultant/CCA reviewing City comments on proposed purchase of CCA by CCA Board. (No update)
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 Needs to be scheduled. Facilitator cost is \$2,000/day. Expect 2 days

Belle Isle Issues Log
10/30/2018

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.	Moratorium on lot splits has expired. Report was sent to Council to discuss at future meeting (November 13).
Comp Plan Updates	The comp plan is reviewed every 7 years to see if it needs to be updated. The City Council contracted with a planner to update the comprehensive plan.	3/1/2017	Council Planner CM	Ongoing	Meet with consultant to determine what was done and what is left to do.	Comp Plan review started by CM. Revisions needed if Annexations occur. Planner assisting in Comp Plan update
Annexation	Council discussed the desire to annex contiguous property in order to build the tax base and possibly provide more commercial development in Belle Isle.	4/3/2017	Council CM	12/31/2017	Council determined the priority to annex.	CM to set up a series of community meetings to discuss annexations with residents (after passage of budget). Next PC Community Meeting schedule (tentative): Late November – Community Meeting; December - Planning & Zoning Board; January – Board of County Commissioners (1st hearing); February - Board of County Commissioners (2nd hearing)
Sustainability	Council discussed sustainability and energy initiatives.	4/3/2017	CM	12/31/2107	Look at LED lighting and Solar power for city facilities. Look at Community Garden (possibly at Wallace/Matchett)	Quotes received for solar on BIPD and possibly City Hall.
Forensic Audit	Council directed a forensic audit be conducted	17-Oct	CM/FD	9/30/2018	Auditor has list of questions for staff to answer. Conducted interviews. Delay in getting informaiton from old system.	10/30 Agenda Item
Tree Issues	There have been several issues regarding trees, tree care, and concerns on landscaping requirements to save trees. The City recently created a Tree Advisory Board that will review the standards of tree care	11/21/2017	CM Tree Board	9/18/2018	Tree Advisory Board to review current tree ordinances and processes for tree care, removal and protection. Arbor Day held. Tree ordinance back to Tree Board for further changes.	City received its first Tree City USA designation. Council to discuss ordinance on tree care and preservation (November 13 agenda item)
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 made to parking Ordinance. Staff discussed changes. For future meeting.