



city council agenda

Agenda

June 05, 2018 * 6:30 PM

City Council Meeting

City Hall Chambers, 1600 Nela Avenue

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

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

1. Call to Order and Confirmation of Quorum

2. Invocation and Pledge to Flag - Vice Mayor Readey, District 5

3. Consent Items

- Proclamation: Cornerstone Charter Academy Lady Ducks Softball Team
- Special Presentation to Cornerstone Charter Academy Girl's Softball Team and Certificates of Appreciation for coaches
- [c.](#) Approval of the City Council meeting minutes for May 15, 2018 – Page 3
- [d.](#) Approval of the City Council Executive Session minutes for May 29, 2018 – Page 9

4. Citizen's Comments

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

5. Unfinished Business

- [a.](#) ORDINANCE NO.18-03 SECOND READING AND ADOPTION - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA APPROVING THE REZONING APPLICATION OF THE CITY OF BELLE ISLE, PROPERTY OWNER/APPLICANT OF "LOT 2 WALLACE STREET" AND REZONING THAT CERTAIN PROPERTY LOCATED ON WALLACE STREET, BELLE ISLE, FLORIDA, IDENTIFIED IN THE ORANGE COUNTY TAX ROLLS WITH PARCEL NUMBER 24-23-29-8977-00-021 MORE PARTICULARLY DESCRIBED IN ORANGE COUNTY RECORDS, ORANGE COUNTY, FLORIDA, FROM SINGLE-FAMILY DWELLING DISTRICT (R-1-AA) TO OPEN SPACE (OS); PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE – Page 10
- [b.](#) ORDINANCE NO.18-04 SECOND READING AND ADOPTION - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE LAND DEVELOPMENT CODE, CHAPTER 48 ARTICLE II CONCERNING DOCK REGULATIONS, INCLUDING BUT NOT LIMITED TO PERMITTING, CRITERIA, EXCEPTIONS, REQUIREMENTS, MAINTENANCE, REPAIR, VARIANCES, APPLICATION PROCEDURES, DEFINITIONS, NONCONFORMING DOCKS, NUMBER, LOCATION, AND RELATED MATTERS; PROVIDING FINDINGS BY THE CITY COUNCIL; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. – Page 15

6. New Business

- [a.](#) Appeal of Parking Ticket issued to Greg Furneaux – Page 28
- [b.](#) Appeal of Parking Ticket issued to Lou Ann Lovett

"If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F. S. 286.0105). "Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting." –Page 1 of 114

- c. Appeal of Planning & Zoning Case 2018-04-010: Pursuant to Belle Isle Code Sec. 42-64, the Board shall consider and take action on a requested variance from Sec. 54-2 (a). - Substandard Lots of Record, to allow for the lots that comprises the currently developed parcel to be redeveloped as two 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 of the two lots retaining a substandard lot width of 75 feet, submitted by applicant Brent Walters, located at 7020 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-150 – Page 33
- d. ORDINANCE NO. 18-06 - FIRST READING AND CONSIDERATION: AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE CITY CODE ENACTING A FERTILIZER MANAGEMENT ORDINANCE REGULATING THE APPLICATION OF FERTILIZER TO LAWNS AND TURF IN THE CITY OF BELLE ISLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR SEASONAL RESTRICTIONS ON FERTILIZER APPLICATION; PROVIDING RESTRICTIONS FOR FERTILIZER CONSTITUENTS PHOSPHORUS AND NITROGEN; PROVIDING FOR RESTRICTIONS IN RATES OF FERTILIZER APPLICATION; PROVIDING FOR TRAINING REQUIREMENTS FOR COMMERCIAL APPLICATORS OF FERTILIZER; PROVIDING FOR EXEMPTIONS; PROVIDING FOR VARIANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR INCLUSION INTO CODE; AND PROVIDING FOR CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE. – Page 63
- e. Discussion of proposed charter change requiring 60% public support for future charter changes – Page 77
- f. Renewal of Republic Services contract – Page 84
- g. Appointment of Cindy Matzik to the Tree Board

7. Attorney's Report

8. City Manager's Report

- a. Issues Log – Page 111
- b. Chief's Report

9. Mayor's Report

10. Council Reports

11. Adjournment



city council minutes

MINUTES May 15, 2018 City Council Regular Session: Regular Session 6:30pm

The Belle Isle City Council met in a regular session on May 15, 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
Vice Mayor/Commissioner Harvey Readey
Commissioner Gold
Commissioner Anthony Carugno
Commissioner Jeremy Weinsier
Commissioner Mike Sims
Commissioner Jim Partin
Commissioner Sue Nielsen

Absent was:

Also present was City Manager Bob Francis, Attorney Kurt Ardaman, Chief Houston , , Code Enforcement Officer Robyn Winters, Admin Assistant Heidi Peacock and City Clerk Yolanda Quiceno.

CALL TO ORDER

Mayor Pisano called the regular session to order at 6:30pm and the City Clerk confirmed quorum.
Comm Sims gave the invocation and led the Pledge to the flag.

Mayor Pisano asked for a moment of silence for the family of Jim Rhiney a long time resident of the City and active volunteer for St. Johns Vienney who passed recently.
Mayor Pisano also recognized and welcomed Mayor Crotty.

CONSENT ITEMS

- a. Approval of the City Council meeting minutes for May 1, 2018

Comm Sims motioned to approve the minutes of May 17, 2018 as presented.

Comm Nielsen seconded the motion.

Comm Gold asked that the minutes reflect his attendance and that his late arrival be excused.

After discussion, the motion was approved unanimously and Comm Gold's excused late arrival was noted for the record.

CITIZEN COMMENTS

Mayor Pisano opened for citizen comments.

1. Emily Wakley residing at 3019 Indian Drive spoke in opposition of the lot split application because it doesn't meet the criteria for approval and intent and takes away from the neighborhood.
2. Daniel Boytos residing at 224 Homewood Drive spoke in opposition of the lot split application and said approval would set a bad precedent.
3. Beth Lowell residing at 2416 Homewood Drive spoke in opposition of the lot split application and stated that it will increase the density and traffic in the neighborhood.
4. Greg Furneaux residing at 1713 Idaho Avenue shared his concern with the new parking ordinance and the current enforcement. He asked if Council will be willing to initially give warnings instead of issuing a parking ticket. He further asked for a clearer definition in the code of a solid service.
5. Sam Meiner residing at 6319 Gibson Drive shared his concern with the numerous cars on front years throughout the City. He would like staff to examine the code to allow adjustments so that Belle Isle remains a beautiful community and

not a parking lot. The purpose of his request is so that he can determine (1) what the rules are; (2) how they are being enforced; and (3) how can the City reduce the impact on the number of vehicles in the front yard that include boat trailers, motor homes and automobiles.

6. Debra Donham residing at 6904 Seminole Drive is in support of allowing AirBnBs.
7. Michael Jungen 2010 Hoffner Avenue spoke in support of allowing AirBnBs.
8. Pam Love residing at 3523 Country Lakes Drive is in support of allowing AirBnBs.
City Manager Francis asked if Ms. Love checked with the City to inquire about the allowable use before starting her business. Ms. Love said no.
9. Charles Motley residing at 1805 Swann Avenue spoke in support of the AirBnBs.
10. Peter Kovechev residing at 5120 St Germaine Avenue spoke in favor of AirBnBs. He shared his concerns with the current Ordinance and the "soft" reference to short term rentals. He provided for the file 15-pages supporting AirBnBs in a city and asked for the Ordinance to be changed to regulate the use.
11. Michelle O'Shea residing at 5319 Jade Circle shared her concerns with the parking enforcement. She asked for a waiver for her parking ticket or a reduction in the fine.
12. Blanca Wolek residing at 3537 Country Lakes Drive spoke in support of allowing AirBnBs.

There being no comments, Mayor Pisano closed citizen comments.

DISCUSSION OF SHORT TERM RENTALS

Comm Gold said he has received at least 22 letters in favor of the use. He moved to grant temporary amnesty to the active AirBnB businesses and nullify the cease and desist orders that have been issued. He further motioned to allow the established AirBnBs to operate for 90 days and for the City to cease enforcement of the current policy until City Council can pass a revised ordinance.

Attorney Ardaman said the City Council can authorize to cease the enforcement mechanism on the violations that have been noticed. However, in respect to the motion to authorize the allowed use can only be done by passing an ordinance.

Comm Carugno and Comm Partin both agreed that AirBnBs are currently not an allowable use and the Council should follow the code as written until changed.

Comm Carugno asked if it will be possible to have this change on a ballot for residents input. In addition, due to some conflicts of interests he asked for clarification on voting on the allowable use considering that he owns several rental properties in the City.

Attorney Ardaman said the Statute that speaks to a member vote that adheres to a special gain or loss will apply if the category of properties in question is greater than 1-2% of the total rental properties in the City. He believes the Council member can vote without having a conflict of interest.

The motion dies for lack of a second.

Comm Nielsen addressed the ordinance and asked if the City Manager can develop the ordinance to allow the use to meet the residents living expenses. She believes the homes should be owner-occupied, a tax should be imposed and a registration fee is required.

Comm Nielsen moved to change the ordinance on short term rentals to allow rentals such as AirBnB but require a registration fee, collect taxes and be owner-occupied only. No short term rentals if the owner is absent from the home for any period of time. In addition, if there are verifiable complaints a violation will be issued and the registration may be revoked.

Comm Partin seconded for discussion. Comm Partin would like to ensure that the City control the density and limit the number of registrations that will be issued.

Comm Carugno said he would like to review and open discussion on the proposed rules and regulations before approving any changes.

Comm Sims motioned if the previous motion can be amended to include cease of enforcement.

The motion dies for lack of a second.

After discussion, Comm Weinsier substituted Comm Nielsen's motion to direct the City Manager to bring back a draft ordinance that incorporates the ideas discussed and agreed upon by City Council.

Comm Nielsen agreed to the clarification to her original ordinance.

Comm Partin seconded the motion which passed 5:2 with Comm Carugno and Comm Gold, nay.

Comm Nielsen motioned to relax the penalties for those individuals who have come forward and not enforce the ordinance at this time.

The motion failed for a lack of a second.

Comm Nielsen motioned for the Council to not enforce the fines on the operating AirBnBs but not to allow them to operate until the new ordinance goes into effect.

The motion failed for a lack of a second.

Comm Gold motioned to grant temporary amnesty to allow them to operate until the new ordinance goes into effect.

Comm Sims seconded for discussion.

Attorney Ardaman recommended Council not to move forward with this motion because it goes against and changes the ordinance in place which is not advisable without going through the required process of a first and second reading.

Comm Gold withdrew his motion.

NEW BUSINESS

Discussion on Parking

Comm Gold shared his concerns with the parking ordinance and the recent enforcement. He would like to forgive the parking tickets that have been issued and replace it with a warning for specific instances of parking on their front yards. Comm Gold shared his concern that the fine increase was to primarily deter those illegally parking at the Perkins and Venetian boat ramps and not to cite those parking on their grass.

Comm Nielsen said appeals are already a structure in place for those residents who would like to appeal the citation. Mr. Francis said in our Code of Ordinances - Section 30-76(b) provides a hearing request for appeals within 5-days of the citation.

Mr. Francis stated parking on the grass and on the right-of-way has always been in the ordinance the only thing that has changed recently is the \$150.00 fine. Mr. Francis clarified that the City did not issue fines because the fee was adjusted; it was because of the large amount of complaints the City has received on parking issues in their neighborhood.

Comm Nielsen said the issue is not the fine but clarification on a definition of a prepared surface. The ordinance needs to be revisited to address the small driveways and lack thereof.

Comm Sims said a warning before issuing a citation to allow the resident to comply is fair.

Comm Nielsen motioned to authorize the City Manager to provide a proposed ordinance in an upcoming meeting, for Council consideration, and make adjustments in the fine or the process of issuing warnings before a citation.

Comm Readey seconded the motion which passed unanimously.

City Manager Francis asked if the City can consider upholding or waiving the ticket for those present at this time. Attorney Ardaman said the Council should follow the process as written in the Code.

Comm Weinsier motioned that City Council extend for 30-days, from the date of this meeting, the deadline for filing an appeal to those \$150.00 parking tickets issued within 60 days and notify those affected. Notification should go out to those affected as soon as possible.

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

Discussion on adopting Orange County Fertilizer Ordinance

City Manager Francis said as part of the City's stormwater program and permit the City must adopt a fertilizer ordinance. Orange County has adopted the ordinance, acceptable by the State, which was updated and adopted last year. He is requested that City Council adopt the Orange County Ordinance and direct the City Attorney to draft the ordinance to be read at the next meeting.

Comm Sims motioned to accept Orange County's Ordinance as discussed.

Comm Carugno seconded for discussion only.

After discussion, Council consensus was to have the City Manager propose a draft ordinance to adopt Orange County's fertilizer ordinance for review at a future meeting.

Comm Sims withdrew with motion.

Discussion of possible traffic changes at WaWa area

City Manager Francis said he observed traffic congestion in the area going northbound on Hoffner and Conway. He showed a few pictures of some lines of traffic back up almost to Darden over the other side of the double yellow line. He addressed the shopping center and Wawa current exits. He asked if Council would allow the City to place flexible dividers on the yellow line to force traffic to stay on their side of the road. He spoke with Orange County and they agreed to work with the City and FDOT to alternate the traffic signals. City Manager Francis said he would like to hear Council member's opinion or a temporary solution until the traffic study is completed.

Comm Nielsen agreed that there is a traffic problem and suggested alternating the signal lights so that all of the east bound traffic (left or right) goes at the same time; then the west bound traffic. There should not be two lanes of traffic coming from the other side of Hoffner across Conway going west. She believes there should be barriers on the yellow line to not allow lefts coming out of the shopping plaza. Comm Nielsen noted when this was in the planning process City Council, at that time, discussed and approved a right-in and a right-out only in that intersection.

Comm Readey suggested the City approach an engineer to do a traffic study before moving forward with any changes.

Comm Carugno asked if it was illegal to make a left turn over a yellow line. Chief Houston said while she will never recommend to make a left turn out of Cork & Fork for safety reasons, she does not see any left turn signs erected by FDOT that are enforceable.

Comm Gold said he is in agreement with some of the solutions discussed.

City Manager Francis said he will continue to work with the Orange County Engineer and direct the Police Department, on occasion, to enforce the area until a solution is met.

Approval of BING Grant for Lake Conway Shores Pavilion

City Manager Francis reported that the Lake Conway Shores pavilion was destroyed by Hurricane Irma and submitted for a BING Grant in the amount of \$8,000. Mr. Francis said due to some miscalculation the funding for the project came up short. After discussion with some Council members, Comm Nielsen contributed \$500 and Comm Carugno contributed \$500 from their budget to complete the request if approved.

Comm Gold motioned to approve the BING Grant for the Lake Conway Shores HOA pavilion for the requested grant amount of \$8,000 with \$500 coming from Comm Nielsen and \$500 coming from Comm Carugno.

Comm Partin seconded the motion which passed unanimously 7:0

UNFINISHED BUSINESS – no report.

ATTORNEY REPORT

Attorney Ardaman reported with respect to the litigation with Florida Wildlife Commission the City has received a counter proposal for consideration at a special called Executive Session. After discussion, Council consensus was to schedule an Executive Session for May 29th, 2018 at 6:00pm.

CITY MANAGER'S REPORT

- City Manager Francis reported on the NAV Board meeting held on May 8, 2018. Under the first bulletin of the synopsis, there is a typo and clarified that it should read that Cindy Lance stated, "...that the Belle Isle Police Department should not be the only one patrolling the Lake...". He further provided a Lake Conway Marine Patrol report for review showing combined Belle Isle non-duty hours paid for by the NAV Board. He briefly spoke of the NAV Board and the six-project priorities on their upcoming budget.
- Mr. Francis provided an after action report overview of the Arbor Day Celebration held on April 28th, 2018. The City had some good sponsorship, except for a low attendance, it was a great event. He further reported that the fence has been completed around the Wallace Field.
- The City Clerk is working with Holly Bobrowski on obtaining the Tree USA designation.
- The lot split for 7020 Seminole Drive is being appealed and will be on the agenda for the June 5th City Council meeting.
- The issues log was provided for review.
- The City has submitted payment to the State of Florida for an appraisal of Cross Lake Beach. Once it is completed and received it will be submitted to the NAV Board agenda for consideration and the Orange County Commissioners for approval.

CHIEF'S REPORT

Chief Houston reported the following.

- There will be strong enforcement on the lake for Memorial Day. Boater Safety Course booklets are available and free to residents if anyone is interested.
- Three areas of focus have been traffic on Hoffner, Lake Activity and parking violations.

MAYOR'S REPORT – no report.

ATTORNEY REPORT – cont'd

City Attorney Ardaman briefly spoke in respect to the Cornerstone Charter School Board concerns addressed at the last meeting.

- He stated posting of agendas of any public meeting is to give the public an opportunity to attend the meeting. However, the courts do not speak directly to the amount of days or time.
- There are two charter schools 1) Cornerstone Charter Academy and 2) Cornerstone Charter High School both owned and by the City of Belle Isle Charter Schools, Inc. operated by its Board.
- The Cornerstone Charter School is a Municipal Charter School per Florida Statute and per discussions with Orange County Public Schools. He then provided an overview of the provisions of the application and the minutes on the creation of the school. The question that requires further research is, have the By-Laws, which were allowed to be changed, beyond the scope that was allowed to happen without the City Council's involvement.

Mr. Francis spoke briefly on the appointment of Board members. He asked for Council consensus to,

1. Approach the school on the process for ratification of new Charter School Board Members.
2. The creation of a sub-committee whom will discuss issues and concerns on both sides and brief the City Council and the Charter School Board for consideration.
3. Last year the Charter School Board voted to make the eight-member board a nine member board. He would like to ask the Charter School Board to consider giving the third seat to the City.
4. He would like to schedule a meeting to have the Charter School Board consultant present to the City Council their proposal to purchase the property. At that time the City Council can decide to move forward with the proposal or deny the request.
5. Present Alexa Dowlen and Karl Shuck as the City's representatives on the Cornerstone Charter School Board;
6. Ask that the Cornerstone Charter school Board place the request on their next agenda for discussion and approval.

Comm Carugno made a motion to have Karl Shuck continue the duration of his two year term on the Charter School Board. Comm Weinsier seconded the motion which was passed unanimously 7:0.

Comm Nielsen believes there should be a time limit to accept the proposal. She would like to give the residents assurance that the school will continue to be a community school.

COUNCIL REPORTS – no reports.

ADJOURNMENT

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 8:35 p.m.

Yolanda Quiceno, CMC, City Clerk



city council minutes

MINUTES
May 29, 2018
Special Called Executive Session
6:00pm

The Belle Isle City Council met in a Special Called Executive Session on May 29, 2018 at 6:00 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Mayor Lydia Pisano
Vice Mayor/Commissioner Harvey Readey
Commissioner Gold
Commissioner Anthony Carugno
Commissioner Mike Sims
Commissioner Jim Partin
Commissioner Sue Nielsen

Absent was:

Commissioner Jeremy Weinsier

Also present was City Manager Bob Francis, Attorney Dan Langley, Court Reporter Jeanine Casey and City Clerk Yolanda Quiceno.

CALL TO ORDER

Mayor Pisano called the Special Called Executive Session to order at 6:00pm.

BUSINESS

Attorney Dan Langley, City Attorney stated that the City Attorney's Office is asking for an Executive Session of the Council to discuss the litigation that is pending in the case of the City of Belle Isle vs. Florida Fish and Wildlife Commission (FWC) Division of Administrative Hearing Case 18-001101. Pursuant to Section 286.011 Subsection of the Florida Statutes we are able to seek advice on the litigation in a closed door session with City Council. The City Council will go into a private session and at that time of adjournment he will ask the public to leave the room. At the conclusion of the private portion the public can return. Those persons who are going to be in attendance by Statute are the City Commissioners, City Manager, City Attorney and the Court Reporter Jeanine Casey. During the Executive Session a transcript will be maintain and will be exempt from public inspection until after the conclusion of the litigation between the City and the FWC and all appeals have been exhausted or the appellate cases have been expired.

Mayor Pisano adjourned the public portion for the meeting and will open the private portion once the City Clerk and the public have left the room.

REOPEN PUBLIC MEETING FOR TERMINATION OF EXECUTIVE SESSION

Mayor Pisano opened the public meeting after the Executive closed door session.

Comm Gold motioned to reject FWC's May 14, 2018 settlement offer and instruct the City Manager and City Attorney to continue negotiations with FWC and seek clarifications and with any settlement offer being subject to further review, approval or rejection by the Council.

Comm Sims seconded the motion which passed unanimously 6:0.

ADJOURNMENT

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 7:16 p.m.

Yolanda Quiceno, CMC, City Clerk



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

Meeting Date: June 5 , 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Rezone of Wallace Field

Background: The current zoning of Wallace Field is residential (R-1-AA). Opinions have been expressed by the City Council that this parcel should be added to the City's inventory as Open Space (Park or Recreational). The City Council does not have a desire to sell the property or use it for housing. The City Manager is requesting the Council file an application to change the zoning from residential to open space.

In the April 24, 2018 P&Z Board Meeting, the Board reviewed the rezoning application submitted by the City of Belle Isle to rezone the Wallace Street Property from R-1-AA residential to Open Space. The Board voted to recommend approval of rezone and the accompanying ordinance, Ordinance 18-03.

On May 1, 2018, the Council read Ordinance 18-03 for the first time.

Staff Recommendation: Adopt Ordinance 18-03

Suggested Motion: I move that we adopt Ordinance 18-03 for rezoning of Wallace Field.

Alternatives: Change the ordinance based on public comment

Fiscal Impact: None to Rezone

Attachments: OS Ordinance 18-03

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ORDINANCE 18-03

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA APPROVING THE REZONING APPLICATION OF THE CITY OF BELLE ISLE, PROPERTY OWNER/APPLICANT OF "LOT 2 WALLACE STREET" AND REZONING THAT CERTAIN PROPERTY LOCATED ON WALLACE STREET, BELLE ISLE, FLORIDA, IDENTIFIED IN THE ORANGE COUNTY TAX ROLLS WITH PARCEL NUMBER 24-23-29-8977-00-021 MORE PARTICULARLY DESCRIBED IN ORANGE COUNTY RECORDS, ORANGE COUNTY, FLORIDA, FROM SINGLE-FAMILY DWELLING DISTRICT (R-1-AA) TO OPEN SPACE (OS); PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Belle Isle, Florida (hereinafter "Property Owner/Applicant") has made application for the rezoning of City property located on E. Wallace Street, PARCEL NUMBERS 24-23-29-8977-00-021, more particularly described in Exhibit "A", Legal Description, (hereinafter "the Property") from SINGLE-FAMILY DWELLING DISTRICT (R-1-AA) to OPEN SPACE (OS); and

WHEREAS, the City intends to use the property as open space for public events; and

WHEREAS, the Planning and Zoning Board of the City of Belle Isle has reviewed the proposed rezoning pursuant to Chapter 42, Section 42-65 of the Land Development Code of the Belle Isle Code of Ordinances, found it to be compatible with the surrounding areas and consistent with the density permitted under the City of Belle Isle Comprehensive Plan, and has recommended the rezoning be approved by the City Council; and

WHEREAS, the City Council has reviewed the proposed rezoning pursuant to Chapter 42, Section 42-65 of the Land Development Code of the Belle Isle Code of Ordinances and found it to be compatible with the surrounding areas and consistent with the density permitted under the City of Belle Isle Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Belle, Florida as follows:

SECTION 1. The property located on E. Wallace Street, Belle Isle, Florida, being more particularly described as PARCEL NUMBER 24-23-29-8977-00-021 more particularly described in Exhibit "A", Legal Description, is hereby rezoned from SINGLE-FAMILY DWELLING DISTRICT (R-1-AA) to OPEN SPACE (OS).

SECTION 2. Severability. If any word, phrase, sentence, clause or other portion of this Ordinance is determined to be invalid, void or unconstitutional, the remainder of this Ordinance shall remain in effect.

SECTION 4. Effective date. This Ordinance shall take effect immediately.

First Reading held this 1st day of May, 2018

Second Reading held this 5th day of June, 2018

Advertised for Second Reading on the 26th day of May 2018.

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

LYDIA PISANO, MAYOR

1
2 **ATTEST:**

3 _____
4 **Yolanda Quiceno, CMC-City Clerk**

5 _____
6 **Approved as to form and legality Kurt Ardaman, City Attorney**

7
8 **STATE OF FLORIDA**

9 **COUNTY OF ORANGE**

10
11 **I, Yolanda Quiceno, CITY CLERK** of the City of Belle Isle do hereby certify that the above and foregoing
12 document ORDINANCE 18-03 was duly and legally passed by the Belle Isle City Council, in session assembled
13 on the _____ day of _____ 2018, at which session a quorum of its members were present.

14
15
16 _____
17 **Notary Yolanda Quiceno, CMC-City Clerk**

Exhibit "A"

ADDENDUM

Borrower: The City of Belle Isle		File No.: 16-1139
Property Address: Lot 2 Wallace Street		Case No.:
City: Belle Isle	State: FL	Zip: 32809
Lender: The City of Belle Isle		

Legal Description

WALLER SUB 26/105 PART OF LOT 2 DESC AS BEG SW COR OF SAID LOT 2 TH RUN N00-07-50E 300 FT
S89-55-55E 359.92 FT S04-13-30W 300.39 FT S90-00-00W 338.47 FT TO POB



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

Meeting Date: June 5, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Dock Ordinance (Ordinance 18-04)

Background: In February 2017, the Council adopted Ordinance 17-02 for the regulation, construction and repair of docks. Since its adoption, there has been difficulty in administering this ordinance due to places where it conflicts with itself. The City Manager requested the City Council to place a moratorium on dock permits until the ordinance could be written to eliminate the conflicts. The moratorium has expired.

The City Manager presented a draft of a new ordinance at the November 7 Council Meeting and an updated ordinance at the November 21st meeting incorporating the changes directed by the City Council.

At the November 21st meeting, the Council recommended new changes to the draft ordinance which are highlighted in the document. This document is now clearer for reviewing applications against the regulations; does not conflict with itself; and is not confusing as it does not allow for misinterpretation.

At the February 6, 2018 Council Meeting, the Council approved final changes to the Dock Ordinance and directed it be sent to the Planning and Zoning (P&Z) Board for their review and recommendations. The P&Z Board recommended changes to the ordinance. Most of those changes were for sentence structure, grammar, or to make a passage clearer so they were not highlighted in this version of this draft.

At the April 3, 2018 Council meeting, the Council discussed the recommendations by the P&Z Board and directed that the ordinance be put in final form and read for the 1st time at the April 17, 2018 Council meeting. The April 17th meeting was adjourned before this topic was discussed by Council. Under public comment at the April 17th Meeting, Kent Perroux, a resident suggested a change to the "grandfather" language in Section 48-34 (c) which is incorporated in the final draft.

At the May 1, 2018 meeting, Council read Ordinance 18-04 for the first time by title only.

Staff Recommendation: Adopt Ordinance 18-04.

Suggested Motion: I move that we adopt Ordinance 18-04, Docks

Alternatives: Do not approve ordinance and provide further direction to city staff

Fiscal Impact: None

Attachments: Ordinance 18-04

ORDINANCE No.: 18-04

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE LAND DEVELOPMENT CODE, CHAPTER 48 ARTICLE II CONCERNING DOCK REGULATIONS, INCLUDING BUT NOT LIMITED TO PERMITTING, CRITERIA, EXCEPTIONS, REQUIREMENTS, MAINTENANCE, REPAIR, VARIANCES, APPLICATION PROCEDURES, DEFINITIONS, NONCONFORMING DOCKS, NUMBER, LOCATION, AND RELATED MATTERS; PROVIDING FINDINGS BY THE CITY COUNCIL; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Citizens of the City of Belle Isle have expressed concern to the City Council about the scope and extent of regulation of docks within the City; and

WHEREAS, on March 21, 2017, the City Council adopted Ordinance No. 17-02 amending Chapter 48, Article II the City Land Development Code with respect to dock regulations; and

WHEREAS, the City Council has determined that further amendment to Chapter 48, Article II of the City Land Development Code is necessary in order to further improve and clarify the City's dock regulations and to respond to the concerns of citizens of Belle Isle; and

WHEREAS, the City of Belle Isle Planning and Zoning Board serves as local planning agency for the City; and

WHEREAS, the Planning and Zoning Board, acting in its capacity as the City's Local Planning Agency, has duly considered and recommended approval to the City Council of the revisions to the dock regulations effected by this Ordinance at a public meeting on March 27, 2018; and

WHEREAS, the City Council has found and determined that the adoption of this Ordinance is in the interests of the public health, safety and welfare, will aid in the harmonious, orderly and progressive development of the City, and serves a valid public purpose.

BE IT ORDAINED by the City Council of Belle Isle, Florida:

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

SECTION 2. Amendment of Land Development Code. Chapter 48, Article II of the City Land Development Code is hereby repealed in its entirety and replaced with the following:

ARTICLE II. - DOCKS

Sec. 48-30. – Definitions

The following words, terms and phrases, when used in this article, will have the following meanings unless the context clearly indicates a different meaning:

Access walkway means that portion of the dock that commences on the upland parcel and extends to and terminates at the junction with the terminal platform.

Boat(s) means all inboard and outboard motorized and nonmotorized vessels, including, but not limited to, rowboats, sailboats, canoes, kayaks, skiffs, rafts, dugouts, dredges, personal watercraft, paddleboards, and other vehicles of transportation for use on water, including any and all objects tied to or connected therewith while being propelled through the water.

Boathouse means a roofed structure constructed over or adjacent to water to provide a covered mooring or storage place for boats.

Boathouse lot means a lot that is waterfront and was platted as a "B" lot to a primary "A" lot under the same parcel identification number and serves as a lake access lot for the parcel with the primary "A" lot having a principal structure.

Dock means any permanently fixed or floating structure, slip, platform (whether covered or uncovered) extending from the upland into the water, capable of use for boat mooring and other water-dependent recreational activities. The term "dock" also includes the area used to dock or moor a boat, and any device or structure detached from the land that is used for or is capable of use as a swimming or recreational platform, boat lift and/or for other water-dependent recreational activities, or as a platform for non-boating use. This term does not include any boat that is temporarily docked, moored, or anchored for less than 72 consecutive hours.

Linear shoreline frontage shall mean the width of lot measured in a straight line between the two outermost property corners at the NHWC.

Maintenance means the act of keeping the dock in a safe and useable condition consistent with original design specifications.

Mooring area means the portion of a docking facility used for the mooring of boats.

Normal High Water Contour (NHWC) means the horizontal location of the theoretical shoreline when the lake level is at the Normal High Water Elevation as defined herein. This is more specifically the horizontal location of the surface ground elevation points which match the Normal High Water Elevation as defined herein.

Normal High Water Elevation (NHWE) means the water surface elevation of Lake Conway and its directly connected water bodies as defined by Orange County. As of December 2016 the NHWE was 85.45, NAVD 88.

Personal watercraft (Florida Statutes 327.39) means a vessel less than 16 feet in length which uses an inboard motor powering a water jet pump as its primary source of motive power and

which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

Principal structure means the building or structure in which the principal use of the parcel or lot is conducted. A dock shall not be the principal structure on a parcel or lot.

Principal use means a use of the upland parcel for residential, commercial or governmental purposes.

Private dock means a dock, which may be used by only those persons living on the upland parcel and their usual and customary guests.

Projected property line means a continuation of, and extension to, the upland property line. In cases of privately owned bottomland, that is, non-sovereignty submerged lands underlying a water body; the projected property line is the actual property line.

Public dock means a dock which is subject to public access. Docks associated with governmental and non-governmental institutions, and private organizations are included in the definition of public dock.

Repair means to restore to the permitted design specifications of a dock structure, including the replacement of the entire dock or portions of the dock.

Semi-private dock means a dock, which may be used by a group of residents living in and authorized by a subdivision association or multifamily development and their usual and customary guests.

Slip or boat-slip means a space designed for the mooring or storage of a single boat.

Terminal platform means that portion of a dock beginning at the point where the lateral width of the dock exceeds the maximum allowed width of the access walkway or provision is made for mooring boats. The terminal platform shall be designed for the mooring and launching of boats, or other water-dependent activities.

Sec. 48-31. - Application process.

(a) Permit and review. Any person desiring to construct a new dock, repair an existing non-conforming dock or add to an existing dock, regardless of whether it is made of wood or another material, within the city shall first apply for a permit to the city. The City shall determine for a pre-existing dock, whether a permit for repair is necessary under sec. 48-34 below. The city shall review the application for completeness and sufficiency as to whether all data, documentation, and materials required herein are provided and shall contact the applicant if the application fails to meet any of the requirements set forth in this section. After an application has been deemed complete and sufficient by the City, the City shall perform a site review of the proposed dock location.

(1) City's administrative review fees. Application fees shall be in accordance with the city fee schedule. The administrative review fee does not include the City of Belle Isle building permit's processing fee.

(2) Application. The applicant shall submit a completed city dock application, a survey and five sets of plans showing the proposed dock. The application shall be available in the city hall office.

(3) The survey of the property, performed within the last three (3) years, shall be a boundary survey signed and sealed by a surveyor holding a current license with the State of Florida and certifying to the applicant and the City accuracy of the information listed below. A survey greater than three (3) years old may be submitted if it includes an affidavit by the owner stating there is no change to the information in the survey.

(i) Lot lines or boundaries of the upland area;

(ii) Location, date and elevation of the edge of water;

(iii) Location of any wetlands vegetation both upland or aquatic;

(iv) Any fences, docks, bulkheads, seawalls, ramps, buildings, paths or walkways or any structure on the upland and lake area;

(v) The NHWC line across the property;

(vi) The location of Elevation 79.5 (NAVD 1988) of the lake bottom within ten (10) feet of the proposed dock;

(vii). The location of Elevation 80.0 (NAVD 1988) contour of the lake bottom within ten (10) feet of the proposed dock.

(4) The plans shall include a scale drawing(s) signed and sealed by a professional licensed professional engineer or architect and accompanied by five (5) copies that provide accurate information as to each of the following elements:

(i) An arrow indicating the northerly direction and an indication of the scale to which the drawing was prepared. All drawings must be drawn utilizing an industry standard engineering scale;

(ii) The dimensions of the property, and the length and location of the proposed dock, or dock addition, as measured from the NHWC to the point most waterward of the NHWC, and identify the licensed contractor who will be installing or constructing the improvements;

(iii) The exact distance between the shoreward end of the proposed dock and two permanent objects (e.g., house, tree) to be used as reference points;

(iv) The exact distance of setbacks from adjacent property lines and projected property lines to the nearest portion of the proposed dock and mooring area, and an approximation of the distance from the closest dock on each side of the property;

(v) The deck and roof elevation of the proposed dock, boathouse or other structure connected to the dock;

(vi) Location of any water lines, electrical outlets or sources, hose bibs;

(vii) All items of the survey in (3) above; and

(viii) Location of lifts, hoists, mooring pilings and mooring areas of any boat.

(5) *Building permit.* Following the approval by the city of a dock application, the applicant is also required to obtain a building permit from the City of Belle Isle building department prior to commencing construction. In the event electricity is run to the dock, the proper electrical permit must also be obtained from the City of Belle Isle building department.

(6) Each dock length will be measured perpendicularly from the NHWC to the most waterward point on the dock. A distance from two fixed objects or structures on each lot shall be referenced on the dock permit application plans.

(b) *Commencement and completion of construction.* All construction must be commenced, or completed, or both, within the guidelines established by the City of Belle Isle building department. The applicant is responsible for all fees associated with the procurement of the necessary permits.

(c) The approved permit is valid for one year from the date of the application.

Sec. 48-32. - Design criteria.

(a) Dock applications shall be reviewed under the following design criteria:

(1) *Setbacks.* Private docks shall have a minimum side setback of five (5) feet from the projected property lines of all abutting waterfront properties. Public and Semi-private docks shall have a minimum side setback of twenty-five (25) feet from the projected property lines of all abutting waterfront properties. For purposes of setback, the terminal platform includes any moored boats or intended boat mooring area. Any reduction from the minimum side setback will require a variance.

(2) *Length.* The lakeward end of the terminal platform shall be allowed to project to the greater of:

(i) Where the lake bottom has an elevation of 79.5 (NAVD 88);

(ii) 15 feet lakeward of the point where the lake bottom has an elevation of 80 (NAVD 88); or

(iii) 40' from the NHWC

(3) Total area. The terminal platform of the dock collectively may not exceed the square footage of ten times the linear shoreline frontage for the first 75 feet of linear shoreline frontage and then five times the linear shoreline frontage for each foot in excess of 75 feet thereafter, and the total of each when combined shall not to exceed a maximum of 1,000 square feet. A maximum terminal platform area of 400 square feet shall be allowed for properties with less than 40' of linear shoreline frontage. The area for the docking and mooring of boats and other appurtenances is included in the terminal platform area calculation

(4) Height. Except for floating docks, the minimum height of dock decks shall place them one foot above the NHWE of Lake Conway. The maximum height, which is to be measured from the top of the structure, shall be 14 feet above the NHWE of Lake Conway.

(5) Access Walkway. Access walkways shall be a minimum of four and a maximum of five feet in width. The area for a walkway shall not be included as part of the total area for the dock.

(6) Number and location of docks:

(i) No dock shall be allowed to extend greater than 15 feet lakeward of an existing dock within 300 feet of the proposed location for the dock or dock addition without a variance.

(ii) No dock construction permit shall be issued on a lot or combination of lots that does not have a principal structure first located thereon.

(iii) Only one dock per principal structure that is located on a lot or combination of lots shall be allowed on any such lot or combination of lots.

(iv) Dock(s) that are privately owned or attached to private property shall only be permitted on lots or combinations of lots zoned or used for residential purposes, and no docks shall be permitted on any lot or combination of lots used for agricultural, commercial, professional-office and/or industrial purposes. If the permit is for a combination of lots, the dock shall be built on the lot where the principal building is located.

(v) Dock(s) that are semi-private or owned by a homeowners association (HOA) or governmental agency shall be adjacent to and attached to upland property that is semi-private or owned by the HOA or public agency. These docks shall be exempt from the provisions of subsection 6 (ii) of this section so long as the HOA, public agency, or other relevant owner owns the attached upland property and is the applicant. Only one dock

per parcel may be located on the property. The term "parcel" as used in this subsection (v) shall mean all contiguous property owned by a HOA or by a public entity.

vi) All dock(s) shall be permanently affixed to the lake bottom, and shall be subject to the provisions of this article.

vii) A floating structure, unless it is associated with a permanent dock, shall be considered a separate dock subject to all provisions of this article.

viii) A floating structure shall be considered to be associated with a dock, if it is installed within the boat slip area, is attached to the dock, or is immediately adjacent to a side of the dock. In no case shall any floating structure extend the permitted length of a dock or extend into the side yard setback, or violate other relevant restrictions.

ix) Notwithstanding any other regulation to the contrary, no dock shall extend across more than 50% of the linear shoreline frontage. The linear shoreline frontage shall be measured in a straight line between the two outermost property corners at the NHWC.

(b) Dock or Boathouse on canal lot:

(1) Boathouses and docks on canal lots are subject to this article and the additional requirements of this subsection (b), notwithstanding that the lots along the canals interconnecting with Lake Conway within the city were platted and accepted by the city under the premise that these lots would serve as lake access for the residents of the associated parcel.

(2) Docks on canals are limited to the edge of the canal, and only if the proposed dock does not impede or restrict the boat traffic in the canal.

(3) The length, size and location of a Dock on a canal are further limited to no more than a width of 14 feet along the canal frontage if boat traffic in the canal is not impeded or restricted by the proposed Dock.

(4) A navigable travel way of 15' width along the axis (center) of the canal shall be maintained between all docks and potential docks.

(c) Restrictions. All docks are subject to the additional restrictions below:

(1) No dock or work for or on a dock shall be within areas which constitute easements for ingress or egress, or for drainage held by individuals or the general public.

(2) No flat roofs. Minimum roof pitch (slope) is 2:12; Maximum roof pitch (slope) is 5:12.

(3) No structure having enclosed sidewalls shall be permitted on any dock. The term "enclosed" shall include, by way of example but not by limitation, plastic, canvas and other screening enclosures, chain link and lattice fencing, or any form of paneling. For the purposes

of this section, a power curtain canvas, boat lift canopy skirt, retractable canopy curtain, or any other similar product made for the protection of a boat will not be considered as a dock enclosure.

(4) Under no circumstances shall a dock be used, permitted or occupied as living quarters, or as a bunk house, enclosed recreational use, or for any other non-water related use.

(5) Storage lockers shall not exceed 30 inches in height above the deck and 67 cubic feet of volume. Storage lockers on a dock shall not be used to store boat maintenance and/or repair equipment and materials, fuel, fueling equipment, and hazardous materials or hazardous wastes. Storage lockers are prohibited on semi-private or publicly owned docks.

(6) Any permit to place, locate, extend, expand, use or otherwise construct a dock, whether along Lake Conway or any canal or any other water body within the City, is subject to and shall not be construed as inconsistent with any law or regulation of the State of Florida or the United States. In addition, in granting or denying any application under this article the City may consider whether the proposed construction or activities would create unreasonable interference with the riparian or littoral rights of one or more nearby property owners, or the general public, as determined by the City in its discretion. As used in this subsection (6), "unreasonable interference" shall include but not be limited to situations in which a proposed structure or activity would impede access to, ingress to, or egress from the relevant body of water by boaters, swimmers, and others with a right to utilize the water body; encroaches upon, intersects, or otherwise interferes with commonly traveled boat routes or established watercraft channels; creates an unusual configuration of the shoreline that restricts boating access within navigable sections of the waterway; unreasonably impairs the view of the water body from one or more other waterfront properties; or otherwise unreasonably impairs or encroaches upon a riparian or littoral right held by one or more property owners or the general public under the law. Notwithstanding the foregoing, the City does not represent or guarantee that a dock or other permitted activity under this article will not affect a riparian or littoral right held by a property owner or the public, which rights are by law subject to local government regulations such as those contained in this article, and the City disclaims to the extent consistent with the law any liability for claims related to such.

Sec. 48-33. – Dock Variances.

(a) In the event the applicant wishes to construct, expand, extend, or repair a dock, or conduct any other activity not meeting one or more of the criteria or requirements described in section 48-32, a variance application must be made for hearing by the Belle Isle Planning and Zoning Board. Application fees shall be in accordance with the city fee schedule.

(b) The board shall not approve an application for a variance unless and until each of the following criteria have been met:

(1) The dock shall not create conditions hazardous to navigation nor any safety hazards;

(2) The location and placement of the dock shall be compatible with other docks in the area, and the NHWC of the lake;

(3) The current level of the lake shall not be a factor in deciding whether to approve or deny a variance

(4) The application does not confer a special benefit to the landowner over and above the adjoining landowners and does not interfere with the rights of the adjoining property owner to enjoy reasonable use of their property; and

(5) The requirements of subsection 42-64(1) Variances except for subsection 42-64(1)d (hardship).

Sec. 48-34. - Dock maintenance and repair and minor modifications.

(a) *Dock maintenance and repair, responsibility of property owner.* The owner of property on which a dock is located is responsible for maintaining a dock in safe and useable condition. Every dock and associated structures shall remain adequately supported, not create debris or obstructions, and shall be maintained in sound condition and good repair, so as to prevent negative impact on adjacent properties or waterway use and recreation.

(b) *Maintenance and repair of docks.* When maintenance and repair of docks involves the repair or replacement of pilings or other portions of the dock at or below the water surface, or of any roofed structure, the permit holder shall submit an application for a permit pursuant to section 48-31 of this article. Maintenance or repair of the deck surface of a dock that does not involve activity at or below the water surface, or of any roofed structure, is allowed without notice or permit, except that all such maintenance and repair activities must maintain the original design and original footprint of the dock and structures located on such dock or associated therewith.

(c) *Nonconforming "grandfathered" docks.* A dock that was duly permitted and authorized by the County when under County jurisdiction, or duly permitted and authorized by the City under and that complied with a previous version of the City's dock regulations, which dock does not conform with the City's current dock regulations under this article, shall be considered a "grandfathered" dock and shall be an authorized legally non-conforming structure. Except for maintenance and repair activities allowed by this article, the expansion or modification of a legally non-conforming (or "grandfathered") dock is not permitted except in situations where: (i) the dock is brought into conformance with the then current dock regulations of this article, or (ii) the city determines that the dock will be modified in such a way as to substantially decrease or mitigate the dock's non-conformity with the current dock regulations of this article. However, when a grandfathered dock is damaged or requires any maintenance or repairs, the costs of which equal or exceed 75 percent of the then current cost to reconstruct the dock, such maintenance or repair shall not be permitted unless the dock is brought into compliance with the current regulations under this article and any other relevant City regulation.

(d) *Minor modifications to permitted docks.* Minor modifications to all existing docks must be approved by the city. The applicant must submit a request for the proposed deviation change or modification to the original site plan to the city manager for consideration. Additional information may be requested from the applicant in order to complete the review. Minor modifications must comply with the provisions of this article. Any modification that may require a variance or waiver of any provision of this article shall not be considered a minor modification. Any modification that increases the size of the terminal platform or increases the horizontal or vertical footprint of the dock shall not be considered a minor modification. The city manager may require notification of abutting waterfront property owners of the application for minor modification. City approval or disapproval shall include a statement regarding requirement or no requirement for a permit.

(e) When repair of an existing dock is subject to a new permit by the City, an applicant shall provide to the City the prior dock permit and survey whether issued by Orange County or the City. The City shall determine whether or not the proposed repair necessitates a permit under this section. The applicant shall have the burden of proof to show the dock preceded any dock regulation of Orange County or the City or provide the prior permit and survey for the dock.

Sec. 48-35. - Violations; penalties; enforcement.

(a) It shall be unlawful for any person to violate any provision of this article, or any provision of any resolution enacted pursuant to the authority of this article. Any person who violates this chapter, or any provision of any resolution enacted pursuant to the authority of this article, may be prosecuted in accordance with Chapter 14 of the Belle Isle code.

(b) In addition to the enforcement and penalty provisions provided in Chapter 14, the city may avail itself of any other legal or equitable remedy available to it, including without limitation, injunctive relief or revocation of any permit involved.

(c) Any person violating this article shall be liable for all costs incurred by the city in connection with enforcing this article or any provision of any resolution enacted pursuant to this article, including without limitation, attorneys' fees and investigative and court costs.

(d) If the code enforcement officer determines that construction is occurring without prior approval or not in accordance with these regulations, the code enforcement officer shall promptly issue a written notice of violation to the applicant and/or designated contractor. The notice of violation shall include a description of the site where the violation has occurred, cite the provisions of these regulations, general or special laws which have been violated, and set forth the remedial action required by the city. Such remedial action may include submittal of revised drawings, reapplication for a permit, double the permit fee, removal of dock, and administrative and civil penalties.

SECTION 4. Codification. This Ordinance shall be incorporated into the Land Development Code of the City of Belle Isle, Florida. 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 Land Development Code may be freely made.

SECTION 5. 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 6. 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 7. Effective Date. This Ordinance shall become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.

FIRST READING: May 1, 2018

SECOND READING: June 5, 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-_____ was duly and legally passed by the Belle Isle City Council, in session assembled on the _____th day of _____ 2018, at which session a quorum of its members were present.

Yolanda Quiceno, CMC-City Clerk



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

Meeting Date: June 5, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Appeal of Parking Tickets

Background: Greg Furneaux and Lou Ann Lovett received parking tickets. In accordance with the BIMC, Section 30-76(b), "Any person summoned by a parking violation citation, upon the payment of a fee of \$35.00 in cash, money order or cashier's check, may within five working days after issuance of the citation file with the city manager a written request for a hearing before the city council. Such hearing shall be set at a regular or special meeting to be held not later than 60 days after the filing of such request. The person summoned by the parking violation citation shall be given at least five working days' written notice of the time and place of such hearing. At the completion of the hearing, the city council shall decide whether or not the citation was justified and whether or not the fine should be imposed/upheld. In the event the city council overturns the parking violation, the fee of \$35.00 shall be refunded to the person that paid such fee within five working days of the city council's decision."

The individuals requested a hearing before the City Council and they were notified according to Section 30-76(b).

Staff Recommendation: Hear the appeals.

Suggested Motion: If Council wants to approve the appeal: I move we approve the appeal of (PERSON'S NAME) and reduce the parking citation to a warning (or waive the citation).

If the Council denies the appeal: I move we deny the appeal of PERSON'S NAME and impose the original fine (or reduce the fine to \$_____).

Alternatives: None

Fiscal Impact: Parking fines are \$150.

Attachments: Request from Greg Furneaux and Lou Ann Lovett for appeal
BIMC Section 30-76



Yolanda Quiceno <yquiceno@belleislefl.gov>

Parking fine appeal

gwfscout@yahoo.com <gwfscout@yahoo.com>

To: "yquiceno@belleislefl.gov" <yquiceno@belleislefl.gov>

Tue, May 22, 2018 at 12:01 PM

Good Morning,

I'm sending this email as an appeal to the parking fine I received on May 13, 2018.

I received the fine for parking in my yard. I've lived in Belle Isle since 1968 and bought my home on Idaho Ave. in 1990. It has a one vehicle driveway and since we have two vehicles, I've been parking one in the grass in front of my house since I bought the house. A couple of years ago, I received a notice about this issue. When I inquired about how I can rectify this, Code Enforcement advised me that the City was still working on this issue and to continue parking where I was until further notice. We have heard nothing else until we found this ticket for \$150.00 on Mother's Day this year.

My wife and I are going to be applying for a permit to tear out the existing driveway and put in a wider concrete paver driveway. This will definitely solve the issue of parking in the grass and it will enhance the aesthetics of the neighbourhood, as well as that of our house.

This email is a request to overturn the parking fine and reduce it to a warning. We certainly want to be in compliance and are striving to do so as timely as possible.

Respectfully Submitted,
Greg Furneaux

Sent from my Verizon ASUS tablet



Yolanda Quiceno <yquiceno@belleislefl.gov>

Ticket #00842

Lou Lovett <lovettswan@yahoo.com>

Fri, May 18, 2018 at 4:10 PM

To: "Yquiceno@belleislefl.gov" <Yquiceno@belleislefl.gov>

Cc: "lovettswan@yahoo.com" <lovettswan@yahoo.com>

RE: Ticket #00842

Issued: May 13, 2018

Location: 1416 Swann Ave, Belle Isle, FL 32809

To Whom It May Concern,

I would like to contest the merit of this city ordinance violation.

My 2010 Ford Escape was parked on the grass on May 13, 2018. We have extra vehicles due to my son and his family staying with us while they wait to close on their new house. We do not want to park on the street for fear of being hit or vandalized.

Also, this was Mother's Day weekend and we, along with many neighbors, had company. We failed to move our vehicles around after our guests left.

Respectfully,

Lou Ann Lovett

Sec. 30-76. - Fines and hearings.

- (a) *Payment of fines; issuance of receipts.* The city manager shall accept payment of civil penalties for parking violations and issue receipts therefor.
- (b) *Hearing request by person cited.* Any person summoned by a parking violation citation, upon the payment of a fee of \$35.00 in cash, money order or cashier's check, may within five working days after issuance of the citation file with the city manager a written request for a hearing before the city council. Such hearing shall be set at a regular or special meeting to be held not later than 60 days after the filing of such request. The person summoned by the parking violation citation shall be given at least five working days' written notice of the time and place of such hearing. At the completion of the hearing, the city council shall decide whether or not the citation was justified and whether or not the fine should be imposed/upheld. In the event the city council overturns the parking violation, the fee of \$35.00 shall be refunded to the person that paid such fee within five working days of the city council's decision.
- (c) *Delinquent fee; notice of summons for failure to respond.* If any person summoned by a parking violation citation on a motor vehicle does not respond to such citation within five business days, by either paying the fine or requesting a hearing under subsection (b) of this section, the city manager shall assess a \$10.00 penalty against the registered owner of the vehicle. In addition, a notice of summons shall be sent, by certified mail, to the registered owner of the motor vehicle which was cited, informing such owner of the parking violation citation and the failure to comply therewith. Such notice shall direct the recipient to respond within ten calendar days; otherwise, a summons will be issued for failure to comply. Costs in the amount of \$5.00 shall be assessed incident to this notification process.
- (d) *Summons for failure to respond, charges.* If a response is not made within the time period specified in the notice of summons, a summons for failure to respond will be issue to the registered owner of the motor vehicle commanding an appearance before a hearing officer. In addition to all other costs, fines and administrative fees assessed by the county, a service of process charge in the amount allowed by state statute will be assessed by the city manager for each summons issued.
- (e)

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

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

(Code 1980, § 12-26; Ord. No. 96-8, 12-3-1996; Code 1991, § 7-76)



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

Meeting Date: June 5, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Appeal Lot Split for 7020 Seminole Drive, Public Hearing Case #2018-04-010

Background: Greg Gent is appealing the P&Z decision to approve a variance for the lot split at 7020 Seminole Drive. The appeal to Council is a quasi-judicial action by the Council; therefore Council members should familiarize themselves with BIMC ARTICLE IV. - EX PARTE COMMUNICATIONS. Once Council rules on the appeal, the Council make want to set aside some time on this agenda or a future agenda to discuss the future of lot splits and until that time, consider a moratorium on lot splits until a determination could be made as to benefit or detriment that continued lot splits are to the City.

Staff Recommendation: Hear the appeal.

Suggested Motion: If Council wants to approve the appeal: I move we approve the appeal of Gregory Gent and deny the variance for a lot split at 7020 Seminole Drive, Public Hearing Case #2018-04-010

If Council wants to deny the appeal: I move we deny the appeal of Gregory Gent and approve the variance for a lot split at 7020 Seminole Drive, Public Hearing Case #2018-04-010

Alternatives: None

Fiscal Impact: TBD (Revenue to the City would be derived from two parcels and residences built on those two parcels)

Attachments: Request from Gregory Gent
Notice to property owners
Criteria for Variance
Emails regarding 7020 Seminole
Minutes from April 24, 2018 P&Z Meeting
Information from April 24 P&Z Meeting



Yolanda Quiceno <yquiceno@belleislefl.gov>

Fwd: opposition to and appear of 7020 Seminole variance approval

Gregory Gent <skygreg@icloud.com>
To: yquiceno@belleislefl.gov

Thu, May 3, 2018 at 2:44 PM

Hi, Yolanda, I meant to send this to you but left you off accidentally.

I want to appeal this P&Z decision. Can you let me know what the process is to do?

Thanks so much!

Begin forwarded message:

From: Gregory Gent <skygreg@icloud.com>
Date: May 2, 2018 at 7:09:09 AM EDT
To: Ed Gold <egold@cobifl.com>, acarugno@cobifl.com, jweinsier@cobifl.com, district4@belleislefl.gov, hreadey@cobifl.com, district6@belleislefl.gov, Sue Nielsen <snielsen@cobifl.com>
Cc: bfrancis@belleislefl.gov, lpisano@cobifl.com
Subject: opposition to and appear of 7020 Seminole variance approval

I'm writing to express opposition and appeal the variance approval (and forthcoming lot split request) for 7020 Seminole. I'm also expressing opposition to lot splits in general.

I wasn't able to attend the P&Z meeting, but did listen to the audio recording afterwards. Many thoughts were given as why this would be good. However, none of the reasons met the hardship standard that a variance requires.

Mr. Lance bought this property in 2004. For many years he held on to the property, expecting to eventually build his personal full time residence there. No variance or lot split was ever requested previously because, one can assume, Mr. Lance wanted to utilize the entire property for his residence. For more than 13 years, a single lot was something Mr. Lance was obviously in favor of.

It wasn't until Mr. Lance chose a personal residence elsewhere and resigned from council that he now thought the property should be divided into two. This is not a hardship. This is not a reason to approve a variance. Building two homes to maximize profit is not a reason to approve a variance.

There were several comments at the meeting implying that something 'new' would be better for the neighborhood than what is currently there. Most would agree. The current property is in less than stellar condition and has been a bit of an eyesore for many years. I think it is fair to say that there has been little to no effort or dollars put towards this house during the 14 years that Mr. Lance has owned it. Concern now by Mr. Lance for better looking structure(s) on the property doesn't seem to be a reason for the variance approval.

Some time ago, P&Z voted to approve a lot split at 6820 Seminole. At the P&Z meeting (I was there) Daryl Carter talked about his fondness for Belle Isle and his goal was to build two nice homes on that property. There was no hardship in this case either, but P&Z approved anyway. Within months, Mr. Carter flipped the property, in a no-money deed transfer to Chris Comins, who had unsuccessfully tried previously to purchase the property (this entire transaction should probably be investigated). Again, this lot split never should have happened as there was no hardship.

Now, others are using this mistake as precedent for other lot splits. I believe the city has erred in allowing this, and needs to take corrective action.

The South lake has recently had a kayak/canoe launch added, approved a soon-to-be-built multi-family compound on the previous Larkin property, a higher density development next door to that, etc. There is no need to continue adding to the density of the lakes, even with one-off lot splits.

I ask the council to review P&Z's decision, determine what hardship justified the approval, and deny the variance. As I said previously, I don't believe any hardship exists. Mr. Lance for a decade and a half was in favor of a single lot. I'm certain many others would be in favor of purchasing that property and building a single new residence, as Mr. Lance had intended all along.



CITY OF BELLE ISLE, FLORIDA

1600 Nela Avenue
Belle Isle, Florida 32809
(407) 851-7730 • FAX (407) 240-2222
www.cityofbelleislefl.org

Mayor
Lydia Pisano

City Manager
Bob Francis

City Council

Ed Gold
District 1

Anthony Carugno
District 2

Jeremy Weinsier
District 3

Mike Sims
District 4

Harvey Readey
Vice Mayor
District 5

Jim Partin
District 6

Sue Nielsen
District 7

May 4, 2018

Add1

Add2

Add3

Add4

RE: APPEAL of Public Hearing Case #2018-04-010

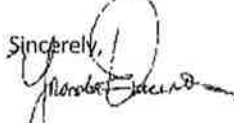
Dear Property Owner:

You are hereby given notice that the City Council will hold a Public Hearing on Tuesday, June 5, 2018 at 6:30 p.m., or as soon thereafter as possible, at the Belle Isle City Hall Council Chambers, 1600 Nela Avenue, Belle Isle, Florida 32809, to hear an appeal of the Planning & Zoning approval of Public Hearing Case 2018-04-010:

APPEAL of Public Hearing Case #2018-04-010 - Pursuant to Belle Isle Code Sec. 42-64, the Board shall consider and take action on a requested variance from Sec. 54-2 (a). - Substandard Lots of Record, to allow for the lots that comprises the currently developed parcel to be redeveloped as two 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 of the two lots retaining a substandard lot width of 75 feet, submitted by applicant Brent Walters, located at 7020 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-150.

You are invited to attend and express your opinion on the matter. Any person(s) with disabilities needing assistance to participate in these proceedings should contact the Planning and Zoning office at (407) 851-7730 at least 24 hours in advance of the meeting.

In the event that you decide to appeal the decision made by the City Council, you will need a record of the proceeding. For that purpose, you may need to ensure that a verbatim record of the hearing is made to include evidence and testimony upon which the appeal is to be based. The burden of making such a verbatim record is on the appellant. F.S. 286.0105; 1986 Op. Atty.

Sincerely,


Yolanda Quiceno
CMC-City Clerk

Attachment (Email dated 5/2/2018 from Gregory Gent Appellant)

City Council Session - June 5, 2018
Appeal of Public Hearing Case No. 2018-04-010 - 7020 Seminole Drive

Parcel	FullName	FullName2	Address	City	StZip
292313000000044	TIITF		3900 COMMONWEALTH BLVD	TALLAHASSEE	FL 32399
302329438902100	DONHAM DEBORAH L		6904 SEMINOLE DR	BELLE ISLE	FL 32812
302329438902120	WILKINS AIMEE	WILKINS JOHN T	6910 SEMINOLE DR	BELLE ISLE	FL 32812
302329438902130	MCCUTCHEN DANIEL C	MCCUTCHEN KAREN C	6916 SEMINOLE DR	BELLE ISLE	FL 32812
302329438902141	SUGGS LINDA D		6922 SEMINOLE DR	BELLE ISLE	FL 32812
302329438902150	LANCE CYNTHIA G	LANCE PAUL ROBERT	3401 TRENTWOOD BLVD	BELLE ISLE	FL 32812
302329438902171	MAUDLIN MARGO A		7026 SEMINOLE DR	BELLE ISLE	FL 32812
302329438903130	DELVALLE ADELIRIS		6922 BARBY LN	BELLE ISLE	FL 32812
302329438903140	ALEXANDER LINCOLN	RAMOS DAISY	6928 BARBY LN	BELLE ISLE	FL 32812
302329438903150	OAF HOWARD J	OAF CLAUDYS C	7006 BARBY LN	BELLE ISLE	FL 32812
302329438903160	FERNANDEZ ALANA S		7012 BARBY LN	BELLE ISLE	FL 32812
302329438903170	SOTO JEANMARIE		7020 BARBY LN	BELLE ISLE	FL 32812
302329438903180	LANAM GARY	LANAM LYNDA	7026 BARBY LN	BELLE ISLE	FL 32812
302329438903190	SCOTT DENISE M	SCOTT JAMES W	7032 BARBY LN	BELLE ISLE	FL 32812
302329438903201	MCKEE DARREN J	MCKEE KIMBERLY A	3315 WARREN PARK RD	BELLE ISLE	FL 32812
302329438903202	DELL KAREN DOLORES ESTATE	C/O CHARLES EDWARD DELL	7029 SEMINOLE DR	BELLE ISLE	FL 32812
302329438903220	DOUD ROBERT LEROY III		7025 SEMINOLE DR	BELLE ISLE	FL 32812
302329438903230	KRIZAN JESSICA RAE		7019 SEMINOLE DR	BELLE ISLE	FL 32812
302329438903240	MARSHALL JOELLE	GONZALEZ CARLOS JAVIER	6714 HARVEST RUN DR	HARRISON	TN 37341
302329438903250	PENROD CLAY W JR		7007 SEMINOLE DR	BELLE ISLE	FL 32812
302329438903260	HUSMANN MARGARITA S TR		4391 BENEDICTINE CIR	ORLANDO	FL 32812
302329438903270	ALVAREZ JORGE RAFAEL		6921 SEMINOLE DR	BELLE ISLE	FL 32812
302329438903280	GUZMAN CARLOS A		6915 SEMINOLE DR	BELLE ISLE	FL 32812
302329438903290	BERLAGE ALICE ANNE		1243 INVERNESS DR	DUNEDIN	FL 34698
302329438904010	ORANGE COUNTY BCC	C/O REAL ESTATE MNGT DEPT	PO BOX 1393	ORLANDO	FL 32802
302329438904020	STEPHENSON HEATHER A		7204 SEMINOLE DR	BELLE ISLE	FL 32812
302329438905010	ORANGE COUNTY BCC	C/O REAL ESTATE MNGT DEPT	PO BOX 1393	ORLANDO	FL 32802

Variance Request – Application Supplement

*Standards of Variance Justification	Section 42-64 of the Land Development Code (LDC) states that no application for a Zoning Variance shall be approved unless the Planning and Zoning Board finds that all of the following standards are met. Please answer each bold-text question in a separate typed or written document and submit it to the City as part of your variance request.
Special Conditions and/or Circumstances Section 42-64 (1) d	The applicant must prove that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions. WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY? WHAT WOULD BE THE UNNECESSARY HARDSHIP?
Not Self-Created Section 42-64 (1) e	The applicant must prove that the special conditions and circumstances do not result from the actions of the applicant. A personal (self-created) hardship shall not justify a variance; i.e. when the applicant by their own conduct creates the hardship alleged to exist, they are not entitled to relief. HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?
Minimum Possible Variance Section 42-64 (1) f	The applicant must prove that the zoning variance is the minimum variance that will make possible the reasonable use of the land, building or structure. CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY? LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.
Purpose and Intent Section 42-64 (1) g	The applicant must prove that approval of the zoning variance will be in harmony with the general purpose and intent of the Code and such zoning variance will not be injurious to the neighborhood, not detrimental to public welfare, and not contrary to the public interest. WHAT EFFECTS WILL APPROVAL OF THE VARIANCE HAVE ON ADJACENT PROPERTIES OR THE SURROUNDING NEIGHBORHOOD? (FOR EXAMPLE: ADEQUATE LIGHT, AIR, ACCESS, USE OF ADJACENT PROPERTY, DENSITY, COMPATIBILITY WITH SURROUNDING LAND USES, TRAFFIC CONTROL, PEDESTRIAN SAFETY, ETC)

*For a variance application from Sec. 50-102 (b) fences and walls, please also identify how you comply with the variance criteria identified in Sec. 50-102 (b) (16). Please note for a fence variance, you do not have to comply with Sec. 42-64 (1) d and (1) f.



Bob Francis <bfrancis@belleislefl.gov>

7020 Seminole dr variance

Dbotyos <dbotyos@cfl.rr.com>

Tue, Apr 24, 2018 at 5:45 PM

To: bfrancis@belleislefl.gov

Hi Bob, my name is Daniel Botyos and I live at 2224 Homewood Dr. and was trying to make the planning and zoning meeting in person but may not be able to be there. A concern that myself and several of the neighbors had with the variance was the density of it is a little concerning. We are opposed to this variance that will allow two houses to go on that property. The last variance to allow two homes next to the old trailer park really adds to the density of that corner of Belle Isle. What precedent are we sending if we allow this & for future exceptions reducing the lot width. It is concerning that any other property that comes close to being able to split their lot will think of doing the same thing. Please help maintain the integrity of Belle Isle. Thank you for forwarding the information to the planning and zoning committee.

Daniel Botyos

Sent from my iPhone



Bob Francis <bfrancis@belleislefl.gov>

Opposed to P & Z Boards decision to approve 7020 Seminole Dr lot split

Beth Lowell <bethlowell40@hotmail.com>

Mon, May 14, 2018 at 5:14 PM

To: "lpisano@cobifl.com" <lpisano@cobifl.com>, "bfrancis@belleislefl.gov" <bfrancis@belleislefl.gov>, "egold@belleislefl.gov" <egold@belleislefl.gov>, "hreadey@belleislefl.gov" <hreadey@belleislefl.gov>, "msims@belleislefl.gov" <msims@belleislefl.gov>, "district6@belleislefl.gov" <district6@belleislefl.gov>, "acarugno@belleislefl.gov" <acarugno@belleislefl.gov>

Dear, Mayor Pisano, Mr. Francis and Esteemed Commissioners,

For the record my name is Beth Lowell, I reside at 2416 Homewood Dr. Belle Isle, 32809. I was in attendance at the Planning and Zoning meeting, where they voted to approve the variance on 7020 Seminole Dr.

It is my understanding the goal of splitting that lot is to allow the current owner to ultimately build two single family homes, where there is currently only one now.

I did speak, at the meeting and go on record opposing this action. I would like this email to serve as my continued opposition for several reasons listed below.

1. The argument was made, by one P & Z member that 2 new homes would be/look better than the one house that is there now, due to the condition of that house and due to the fact that renter(s) are in there now - to that I ask, if the condition of the current house is so bad, was the owner given any citations, by code enforcement, for not keeping it up? And who is to say they won't rent the new homes as well and in the long term be right back to where we are now with two homes.
2. The argument was made, by another P & Z member, that building one house on that current lot would not appraise for a future sale -- to that I ask, is that the duty of the P&Z board to worry about the appraisal value of an owner's house, down the road, should they decide to sell? (No) Also, I am not in the Real Estate or appraisal business but I completely disagree with that statement. One nice house, on that size lot would most certainly appraise. In fact, within Belle Isle, there are many houses on larger lots, with great resale value.
3. Another P & Z member said they were in favor of granting the variance, if part of the agreement was they had to tear down the dock quickly, because it too was in such poor condition--I ask again was the home owner given a citation to take care of that dock?
4. The issue with density also came up and yes two nicer homes would probably be more aesthetically pleasing. And yes, if I were a neighbor of this current home, I too would think that would help my property value if two new homes were built, why wouldn't they want that; however, no one considers the additional traffic with increased density in our neighborhoods (which has already increased dramatically in 5 years). With the five new homes being built on the old trailer park lot and, if this lot split goes thorough, you will then be adding a **minimum** of 14 more cars traveling within the neighborhood probably daily.
5. By granting this, a precedent is being set. This owner may only be asking for a few feet variance, but where does the line get drawn? (actually I thought it already was) The first person wants 5 ft, the next 10, the next 20 etc.

Thank you for your time and for reading this email. I do plan to make the meeting tomorrow to hear about the appeal made, by Greg Gent, and hear the outcome. If necessary I am prepared to read or summarize this email.

5/31/2018

City of Belle Isle, Florida Mail - Opposed to P & Z Boards decision to approve 7020 Seminole Dr lot split

Kind regards,

Beth Lowell

City of Belle Isle
Planning & Zoning Board Regular Session Minutes
April 24, 2018 – 6:30pm

Dan Langley City Attorney	David Woods Vice Chairman District 1	Chris Shenefelt District 2	Shawn Jervis District 3	Gregg Templin District 4	Rainey Lane District 5	Russell Cheezum District 6	Nicholas Fouraker Chairman District 7
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On Tuesday, April 24, 2018 the Belle Isle Planning & Zoning Board met in a regular session at 6:30pm in the Belle Isle City Hall Council Chambers. Present was Chairman Fouraker, Board member Shenefelt, Board member Jervis, Board member Lane and Board member Templin and Board member Cheezum. Absent was Vice Chairman Woods.

Also present was City Manager Bob Francis, Attorney Rick Geller, City Planner April Fisher and City Clerk Yolanda Quiceno.

1. CALL TO ORDER

Chairman Fouraker called the meeting to order at 6:30pm and opened with the Pledge of Allegiance.

APPROVAL OF MINUTES

Chairman Fouraker called for approval of the minutes. The City Clerk requested that the minutes of March 27th be placed for approval at the next scheduled meeting. Board consensus was to add approval of the minutes of March 27th to the following meeting.

2. **Public Hearing Case #2018-04-010** - Pursuant to Belle Isle Code Sec. 42-64, the Board shall consider and take action on a requested variance from Sec. 54-2 (a). - Substandard Lots of Record, to allow for the lots that comprises the currently developed parcel to be redeveloped as two 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 of the two lots retaining a substandard lot width of 75 feet, submitted by applicant Brent Walters, located at 7020 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-150.

Brent Walters, applicant, said the property is well under utilized as a single lot and their intention is to split the 150 foot property into two-75 foot lots, demolish the existing structure and build two homes on the property. The vast majority of the lots in the area are 75-foot and the lot split will easily meet all zoning requirements. Additionally, the lots are 315 feet to the water line and will create ½ acre parcel post split.

Chairman Fouraker opened for public comment.

- Debra Donham residing at 6904 Seminole Drive spoke in favor of the lot split.
- Linda Suggs 6922 Seminole Drive spoke in favor of the lot split.
- Bobby Lance residing at 6615 Matchett Road, property owner, said the property was purchased over 15 years ago. They have decided to build-out the property with two homes because after some research found that one home will be over utilized as far as the neighborhood. The plan will bring great value to the area. He spoke with the neighboring residents and they did not oppose to the idea. He would like to improve to neighborhood and continue to bring in more tax dollars.
- Beth Lowell residing 2416 Homewood Drive spoke in opposition to the variance because it will create more density in the area.

- Daniel Botyos residing at 2224 Homewood Drive shared his concerns with the added density this plan will bring. It already is a busy area and he would like to see a plan that will keep up with the integrity of the area.
- Michael Jungen residing at 2010 Hoffner Avenue said the home currently is a rental and is happy to see that the plan is for two new single family homes that would hold the appeal to the area.

There being no further public comment, Chairman Fouraker closed public comment and opened for Board discussion.

Board member Templin said he is in favor of the plan because most of the lots in the area are 70 foot lots. However, he asked for clarification of the existing boat dock. He said if the lot split is approved, and the house is demolished, the existing boat dock will not be in compliance and will create a zero lot line.

Brent Walters stated that the boat dock will be demolished if the lot split is approved.

The Board discussed the type of homes that can be built on a R1AA zoned lot and the time frame allowed starting pulling permits. Brent Walters said their intention is to start as soon as possible and asked for 6 months to start the demo of the existing home and existing boat dock from the time of approval.

April Fisher said the Board can place a condition on the variance approval to have the boat dock removed along with the home and the time allotted for permitting can start from the date of the City Council lot split approval.

April Fisher said the lot split process does not allow for conditions for approval by City Council. The applicant will be required to record the lot split with Orange County. The code allows for a one-time lot split per property.

Attorney Geller said Section 42-67 of the City code states the following,

- (a) Time limitations. If a special exception or variance is approved by the board and the duration of the validity of the special exception or variance is not limited, the special exception or variance shall become void if:
 - (1) Six months after the board approved the variance or special exception, all permits necessary for the utilization of the special exception or variance have not been issued; or
 - (2) One year after issuance of the last issued permit necessary for the utilization of the special exception or variance, all construction associated with the special exception or variance has not been completed.
- (b) Extensions. For good cause shown, the city manager may grant up to two six-month extensions to any time limits associated with a special exception or variance.

Discussion ensued on permitting time limitations and extensions.

Board member Shenefelt asked why the Board is convinced that approval is good for the neighborhood in the long term.

Chairman Fouraker said, for the record, he received a call from a neighboring resident, Randy Holihan, who is opposed to approval of the request. He said Mr. Holihan believes just because a previous approval was made for another property it does not create a condition of approval, precedent or historical significance.

After discussion, Board member Templin moved to approve this request of a proposed variance from Sec. 54-2 (a). Substandard Lots of Record, to allow for the lots that comprises the currently developed parcel to be redeveloped as two 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 of the two lots retaining a substandard lot width of 75 feet, submitted by applicant Brent Walters, located at 7020 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-150 with the following condition, that the dock be removed at the same time of the existing home.

Board member Cheezum seconded the motion which passed 6:1 with Board member Shenefelt, nay.

3. Public Hearing Case #2018-04-011 - Pursuant to Belle Isle Code Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place a four- foot high wall in the front yard of a residential property, submitted by applicants Michael G. Jungen and Fhanor Lenis, located at 2010 Hoffner Avenue, Belle Isle, FL 32809 also known as Parcel # 18-23-30-3648-00-271.

Applicant Michael Jungen gave a brief overview on the purchase of his home. There was a wind burst that cleared most of their oak trees on the back of the property. During the hurricane they relied on the Van Dyke's easement for temporary access to their back yard. At this time they have to start the process to gain access along both sides of their home. Their lot has a weird, narrow configuration and has caused some issues on a new design that will restore character, maintain the appeal of the neighborhood and the privacy areas between the neighbors. They would like to maintain the 4 foot character wall to continue that of the Van Dykes while creating additional parking spaces in the front of their home and maintain the privacy. He has communicated with the neighbors and they are not opposed to the application as presented.

Chairman Fouraker shared his concerns that there is currently a structure very close to the road and a wall will make it even closer; the austere look because of the removal and loss of a lot of landscaping. He does not believe this is a hardship and the plan does not have enough detail showing quantifiable distance from the road.

Mr. Jungen said the plan shows decorative planters and shared his commitment that ensures that greenery and softening of the appeal is the ultimate result.

Board member Shenefelt said this is an exceptional situation because of the winding road and all the houses are very close to the road. He noted Vice Chairman Woods's opinion at a previous meeting of the Board creating a Hoffner overlay because we will continue to see requests from homeowners on Hoffner that are seeking walls at the front of their property.

After discussion of moving this discussion to a future meeting, City Manager Francis asked if there is a standard the applicant can tangibly review before the next meeting. Board consensus was to allow the Board additional time to visit the property and for the applicants to 1) provide a landscaping plan; and 2), provide the distance between the road and the wall.

Board member Cheezum motioned to continue this application to a date certain of May 22nd, 2018.
Board member Lane seconded the motion which passed unanimously 6:0.

4. AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA APPROVING THE REZONING APPLICATION OF THE CITY OF BELLE ISLE, PROPERTY OWNER/APPLICANT OF "LOT 2 WALLACE STREET" AND REZONING THAT CERTAIN PROPERTY LOCATED ON WALLACE STREET, BELLE ISLE, FLORIDA, IDENTIFIED IN THE ORANGE COUNTY TAX ROLLS WITH PARCEL NUMBER 24-23-29-8977-00-021 MORE PARTICULARLY DESCRIBED IN ORANGE COUNTY RECORDS, ORANGE COUNTY, FLORIDA, FROM SINGLE-FAMILY DWELLING DISTRICT (R-1-AA) TO OPEN SPACE (OS); PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

Chairman Fouraker read Ordinance 18-03 by title.

City Manager Francis said at the time of the previous designation recommendation by the Board of the Wallace property the City only had a public, utilities and buildings designation. City Council did not approve the Board's previous recommendation to designate the property to public utilities and buildings because they did not want the option to allow a build out of a large building on the property. City Council directed the City Manager to create an open space designation for review and recommendation by the Board.

Chairman Fouraker said the City purchased this property and the school isn't getting use of it. He would not want the Board to be in the middle between the City Council and School Board. If the Board recommends this use when will we see the school use the property and have the children benefit from the purchase of this property? How can the City grow if the City cannot be competitive with surrounding areas? He would like to see this property shared and it does not speak well with the continued relationship between the City and the School.

Board member Templin said the ordinance is specifically to keep the property vacant and to not allow any development.

City Manager Francis said about six months ago he was directed by Council to create a Land Use/Hold Harmless Agreement so that the School can use the property under certain circumstances. One of the reasons why the City did not want the school to use the field is because it has not been graded and someone can get hurt. To date, the City has not received any feedback.

Board member Templin motioned to recommend approval of Ordinance 18-03 to City Council.
Board member Cheezum seconded the motion which passed unanimously 6:0.

5. AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING PLANNED DEVELOPMENT DISTRICTS; BY AMENDING PART II, CODE OF ORDINANCES; BY AMENDING SUBPART B, LAND DEVELOPMENT CODE; BY AMENDING CHAPTER 54, ZONING DISTRICTS AND REGULATIONS, ARTICLE III, ZONING CLASSIFICATIONS; BY AMENDING SECTION 54-77, PLANNED DEVELOPMENT DISTRICT PD; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

Chairman Fouraker read Ordinance 18-05 by title.

April Fisher gave a brief overview of Ordinance 18-05 and said it is an amendment to the City's Land Development Code to allow for commercial planned developments. At the present, the code only addresses residential plan developments. If the City seeks to make a change with a commercial development the City is restricted except in the variance process. It is common to have PD regulations for residential developments as well as commercial. There is text that is recommended to be stricken because it references Comprehensive Plan language that may cause an internal conflict. The City cannot condition straight zoning but the City can condition Planned Development's which are tied to a development order.

April Fisher recommended removal of item Section 54-77(c)(4) – Communications towers and antennas due to cautionary purposes and should not be listed as an automatic use.

Attorney Geller stated some of the other cities he has represented typically have a tower as a recommended use.

Board member Lane motioned to recommend approval of the proposed Planned Development District amendments and Ordinance 18-05 to City Council and the deletion of Section 54-77(c)(4)- Communications towers and antennas.

Board member Cheezum seconded the motion which passed unanimously 6:0.

ADJOURNED

There being no further business Chairman Fouraker called for a motion to adjourn, unanimously approved at 8:30pm.

Yolanda Quiceno
City Clerk, CMC

NOTICE OF PUBLIC MEETING

April 24, 2018- 6:30 PM

CITY OF BELLE ISLE PLANNING AND ZONING BOARD REGULAR SESSION

1. Call to Order, Confirmation of Quorum and Pledge to Flag
2. Public Hearing Case #2018-04-010 - Pursuant to Belle Isle Code Sec. 42-64, the Board shall consider and take action on a requested variance from Sec. 54-2 (a). - Substandard Lots of Record, to allow for the lots that comprises the currently developed parcel to be redeveloped as two 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 of the two lots retaining a substandard lot width of 75 feet, submitted by applicant Brent Walters, located at 7020 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-150.
3. Public Hearing Case #2018-04-011 - Pursuant to Belle Isle Code Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place a four- foot high wall in the front yard of a residential property, submitted by applicants Michael G. Jungen and Phanor Lenis, located at 2010 Hoffner Avenue, Belle Isle, FL 32809 also known as Parcel # 18-23-30-3648-00-271.
4. AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA APPROVING THE REZONING APPLICATION OF THE CITY OF BELLE ISLE, PROPERTY OWNER/APPLICANT OF "LOT 2 WALLACE STREET" AND REZONING THAT CERTAIN PROPERTY LOCATED ON WALLACE STREET, BELLE ISLE, FLORIDA, IDENTIFIED IN THE ORANGE COUNTY TAX ROLLS WITH PARCEL NUMBER 24-23-29-8977-00-021 MORE PARTICULARLY DESCRIBED IN ORANGE COUNTY RECORDS, ORANGE COUNTY, FLORIDA, FROM SINGLE-FAMILY DWELLING DISTRICT (R-1-AA) TO OPEN SPACE (OS); PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.
5. AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING PLANNED DEVELOPMENT DISTRICTS; BY AMENDING PART II, CODE OF ORDINANCES; BY AMENDING SUBPART B, LAND DEVELOPMENT CODE; BY AMENDING CHAPTER 54, ZONING DISTRICTS AND REGULATIONS, ARTICLE III, ZONING CLASSIFICATIONS; BY AMENDING SECTION 54-77, PLANNED DEVELOPMENT DISTRICT PD; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.
6. Other Business
7. Adjournment

Should any person decide to appeal any decision made regarding any matter considered at this meeting such person may need to ensure that a verbatim record of the proceedings is made to include testimony and evidence upon which the appeal is to be based, Persons with disabilities needing assistance to participate in these proceedings should contact the City Clerk at 407-851-7730 at least 24 hours in advance of the meeting.

NOTICE OF PUBLIC MEETING

APRIL 24, 2018 – 6:30PM

CITY OF BELLE ISLE

PLANNING AND ZONING BOARD REGULAR SESSION

ITEM 2

TO: Planning and Zoning Board

DATE: April 24, 2018

Public Hearing Case #2018-04-010 - Pursuant to Belle Isle Code Sec. 42-64, the Board shall consider and take action on a requested variance from Sec. 54-2 (a). - Substandard Lots of Record, to allow for the lots that comprises the currently developed parcel to be redeveloped as two 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 of the two lots retaining a substandard lot width of 75 feet, submitted by applicant Brent Walters, located at 7020 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-150.

Background:

1. On April 6, 2018, Brent Walters representing the applicant submitted the application and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, April 14, 2018 Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Thursday, April 12, 2018.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings-of-fact that are presented at the public hearing.

The Board will need to determine if the criteria set forth of the Land Development Code have been met, and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE or DENY:

"I move to recommend (Approval or Denial/or Approve with conditions) to City Council this request of a proposed variance from Sec. 54-2 (a). Substandard Lots of Record, to allow for the lots that comprises the currently developed parcel to be redeveloped as two 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 of the two lots retaining a substandard lot width of 75 feet, submitted by applicant Brent Walters, located at 7020 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-150.

Should any person decide to appeal any decision made regarding any matter considered at this meeting such person may need to ensure that a verbatim record of the proceedings is made to include testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in these proceedings should contact the City Clerk at 407-851-7730 at least 24 hours in advance of the meeting.



April Fisher, AICP
fisherpds@outlook.com
407-494-8789

April 15, 2018

Variance Application: 7020 Seminole Drive

Applicant Request: Variance from Sec. 54-2 (a). - Substandard Lots of Record, to allow for the lots that comprise the currently developed parcel to be redeveloped as two individual lots instead of being required to be aggregated as on tract, and allow for a reduction from 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 of the two lots retaining a substandard lot width of 75 feet.

Existing Zoning/Use: R-1-AA/ single-family home

Review Comments

This variance application seeks relief from the requirements of Sec. 54-2 (a) that requires aggregation of substandard lots that were lots of record under single ownership on or after October 7, 1957. The lots in question are currently developed as one property with a single-family house constructed across three lots.

This application is seeking to redevelop the property as two individual single-family lots. The proposed lot width of 75 feet is less than the required 85 feet in the current land development code district regulations for R-1-AA. This request requires a variance from the provisions of Sec. 54- 2 (a) and Sec. 50-73 to accommodate the redevelopment as proposed. If approved, the applicant could then seek a lot split to create the two lots.

The applicant has provided information supporting the variance request in the attached letter and documentation.

Staff Recommendation

Staff provides an evaluation based on the variance criteria for the application below.

1. Special Conditions and/ or Circumstances (Section 42-64 (1) d):

The parcel has already been aggregated and developed as one parcel with a single-

single-family house on it. There are no special conditions or circumstances that restrict the property, as aggregated, and meeting the current land development code, from being used as a single-family property as currently configured.

2. Not Self- Created (Section 42-64 (1) e):

The request for a variance is self-created as the application is seeking to deviate from code requirements for minimum required lot width so that a house may be built on two lots that currently are aggregated into one developed parcel.

3. Minimum Possible Variance (Section 42-64 (1) f):

The requested variance is the minimum possible variance to make reasonable use of the land and building as the current parcel lot width is a total of 150 feet and each proposed lot at 75 feet in width would be half of the total lot width of the current parcel.

4. Purpose and Intent (Section 42-64 (1) g):

The requested variance could be construed to be in harmony with the general purpose and intent of the land development code and not injurious to the neighborhood as other lots in the surrounding area of this property are developed with substandard lot widths. Across the street from this parcel, there are individual lots that are developed as single-family homes 70 feet in width. Directly abutting this property on the west side, properties are developed with a substandard lot width of 82.5 feet.

Staff provides a recommendation to not approve the request based on not meeting the criteria of special conditions/ circumstances and of being self-created. The land development code provides in Sec. 42-64 (1) h. that unless all criteria are met, a variance should not be approved.



CITY OF BELLE ISLE, FLORIDA

1600 Nela Avenue
Belle Isle, Florida 32809
(407) 851-7730 • FAX (407) 240-2222
www.cityofbelleislefl.org

Mayor
Lydia Pisano

City Manager
Bob Francis

Planning & Zoning
Board

Nicholas Fouraker
Chairman
District 7

David Woods
Vice Chairman
District 1

Chris Shenefelt
District 2

Shawn Jervls
District 3

Gregg Templin
District 4

Rainey Lane
District 5

Russell Cheezum
District 6

April 12, 2018

«Parcel»
«FullName»
«FullName2»
«Address»
«City», «STZip»

APPLICANT: Brent Walters representing Robert and Cynthia Lance
P&Z CASE 2018-04-010
REQUEST 7020 Seminole Drive, Belle Isle, FL 32809
Parcel #29-23-30-4389-02-150

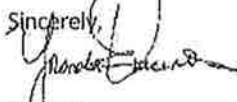
Dear Property Owner:

You are hereby given notice that the Planning & Zoning Board of the City of Belle Isle will hold a Public Hearing on Tuesday, April 24, 2018 at 6:30 p.m., or as soon thereafter as possible, at the Belle Isle City Hall Council Chambers, 1600 Nela Avenue, Belle Isle, Florida 32809, to review for recommendation to Council as follows:

Public Hearing Case #2018-04-010 - Pursuant to Belle Isle Code Sec. 42-64, the Board shall consider and take action on a requested variance from Sec. 54-2 (a). - Substandard Lots of Record, to allow for the lots that comprises the currently developed parcel to be redeveloped as two 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 of the two lots retaining a substandard lot width of 75 feet, submitted by applicant Brent Walters, located at 7020 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-150.

You are invited to attend and express your opinion on the matter. Any person(s) with disabilities needing assistance to participate in these proceedings should contact the Planning and Zoning office at (407) 851-7730 at least 24 hours in advance of the meeting.

In the event that you decide to appeal the decision made by the Board, you will need a record of the proceeding. For that purpose, you may need to ensure that a verbatim record of the hearing is made to include evidence and testimony upon which the appeal is to be based. The burden of making such a verbatim record is on the appellant. F.S. 286.0105; 1986 Op. Atty.

Sincerely,

Yolanda Quiceno
CMC-City Clerk

P&Z Board Meeting - April 24, 2018
Case No 2018-04-010 - 7020 Seminole Drive

Parcel	FullName	FullName2	Address	City	STZip
292313000000044	TIIF		3900 COMMONWEALTH BLVD	TALLAHASSEE	FL 32399
302329438902100	DONHAM DEBORAH L		6904 SEMINOLE DR	BELLE ISLE	FL 32812
302329438902120	WILKINS AIMEE	WILKINS JOHN T	6910 SEMINOLE DR	BELLE ISLE	FL 32812
302329438902130	MCCUTCHEN DANIEL C	MCCUTCHEN KAREN C	6916 SEMINOLE DR	BELLE ISLE	FL 32812
302329438902141	SUGGS LINDA D		6922 SEMINOLE DR	BELLE ISLE	FL 32812
302329438902150	LANCE CYNTHIA G	LANCE PAUL ROBERT	3401 TRENTWOOD BLVD	BELLE ISLE	FL 32812
302329438902171	MAUDLIN MARGO A		7026 SEMINOLE DR	BELLE ISLE	FL 32812
302329438903130	DELVALLE ADELIRIS		6922 BARBY LN	BELLE ISLE	FL 32812
302329438903140	ALEXANDER LINCOLN	RAMOS DAISY	6928 BARBY LN	BELLE ISLE	FL 32812
302329438903150	OAF HOWARD J	OAF CLAUDYS C	7006 BARBY LN	BELLE ISLE	FL 32812
302329438903160	FERNANDEZ ALANA S		7012 BARBY LN	BELLE ISLE	FL 32812
302329438903170	SOTO JEANMARIE		7020 BARBY LN	BELLE ISLE	FL 32812
302329438903180	LANAM GARY	LANAM LYNDA	7026 BARBY LN	BELLE ISLE	FL 32812
302329438903190	SCOTT DENISE M	SCOTT JAMES W	7032 BARBY LN	BELLE ISLE	FL 32812
302329438903201	MCKEE DARREN J	MCKEE KIMBERLY A	3315 WARREN PARK RD	BELLE ISLE	FL 32812
302329438903202	DELL KAREN DOLORES ESTATE	C/O CHARLES EDWARD DELL	7029 SEMINOLE DR	BELLE ISLE	FL 32812
302329438903220	DOUD ROBERT LEROY III		7025 SEMINOLE DR	BELLE ISLE	FL 32812
302329438903230	KRIZAN JESSICA RAE	GONZALEZ CARLOS JAVIER	7019 SEMINOLE DR	BELLE ISLE	FL 32812
302329438903240	MARSHALL JOELLE		6714 HARVEST RUN DR	HARRISON	TN 37341
302329438903250	PENROD CLAY W JR		7007 SEMINOLE DR	BELLE ISLE	FL 32812
302329438903260	HUSMANN MARGARITA S TR		4391 BENEDICTINE CIR	ORLANDO	FL 32812
302329438903270	ALVAREZ JORGE RAFAEL		6921 SEMINOLE DR	BELLE ISLE	FL 32812
302329438903280	GUZMAN CARLOS A		6915 SEMINOLE DR	BELLE ISLE	FL 32812
302329438903290	BERLAGE ALICE ANNE		1243 INVERNESS DR	DUNEDIN	FL 34698
302329438904010	ORANGE COUNTY BCC	C/O REAL ESTATE MNGT DEPT	PO BOX 1393	ORLANDO	FL 32802
302329438904020	STEPHENSON HEATHER A		7204 SEMINOLE DR	BELLE ISLE	FL 32812
302329438905010	ORANGE COUNTY BCC	C/O REAL ESTATE MNGT DEPT	PO BOX 1393	ORLANDO	FL 32802

City of Belle Isle
1600 Nela Avenue, Belle Isle, Florida 32809 * Tel 407-851-7730 * Fax 407-240-2222

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

check # 1435 \$150.00
4/5/18

DATE: 05APR18
☐ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER
APPLICANT: Brent Walters
ADDRESS: 7020 Seminole Dr
Belle Isle, FL 32809
PHONE: 407-234-5187

P&Z CASE #: 2018-04-010
DATE OF HEARING: _____
OWNER: Robert & Cynthia Lance
3401 Trentwood Blvd
Belle Isle, FL 32812

PARCEL TAX ID #: 29-23-30-4389-02-150

LAND USE CLASSIFICATION: Low Den. Residential ZONING DISTRICT: R1-AA

DETAILED VARIANCE REQUEST: The Required minimum lot width within the zoning district is 85 feet.

We would like to proceed with a lot split creating two lots (75 feet wide each). We request a variance from
the required minimum Lot width.

SECTION OF CODE VARIANCE REQUESTED ON: Minimum Lot Width

The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within a period of nine (9) months prior to the filing of the application. Further that the requested use does not violate any deed restriction of the property.

By submitting the application, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property, during reasonable hours, to inspect the area of my property to which the application applies.

Applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) photograph of the front of the property and at least two photographs (from different angles) of the specific area of the property to which the application applies.

APPLICANT'S SIGNATURE

OWNER'S SIGNATURE

FOR OFFICE USE ONLY: FEE: \$150.00

4/6/2018
Date Paid

1435
Check/Cash

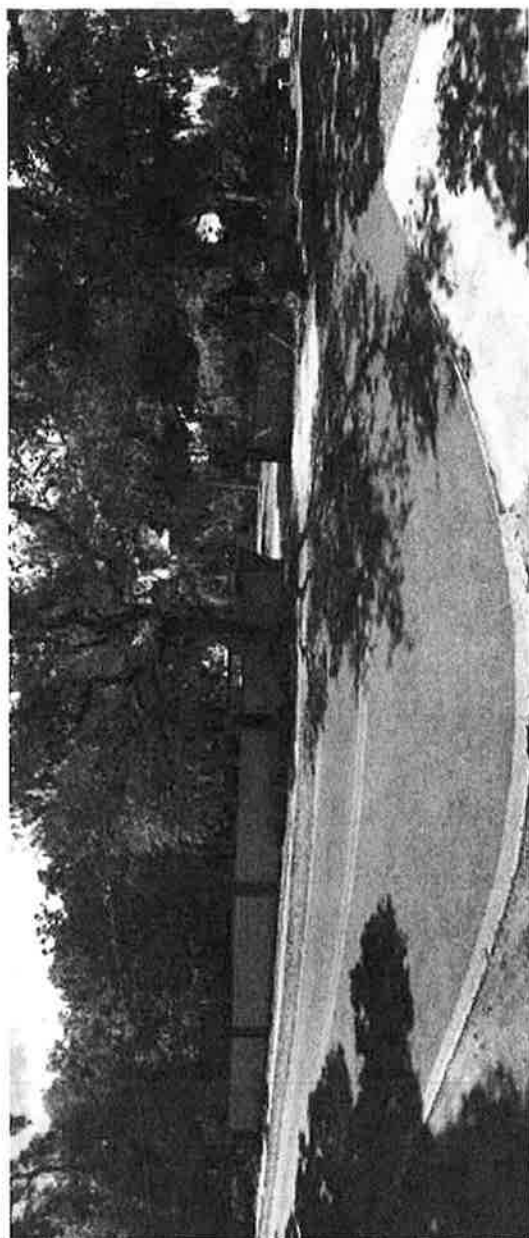
[Signature]
Rec'd By

Determination _____

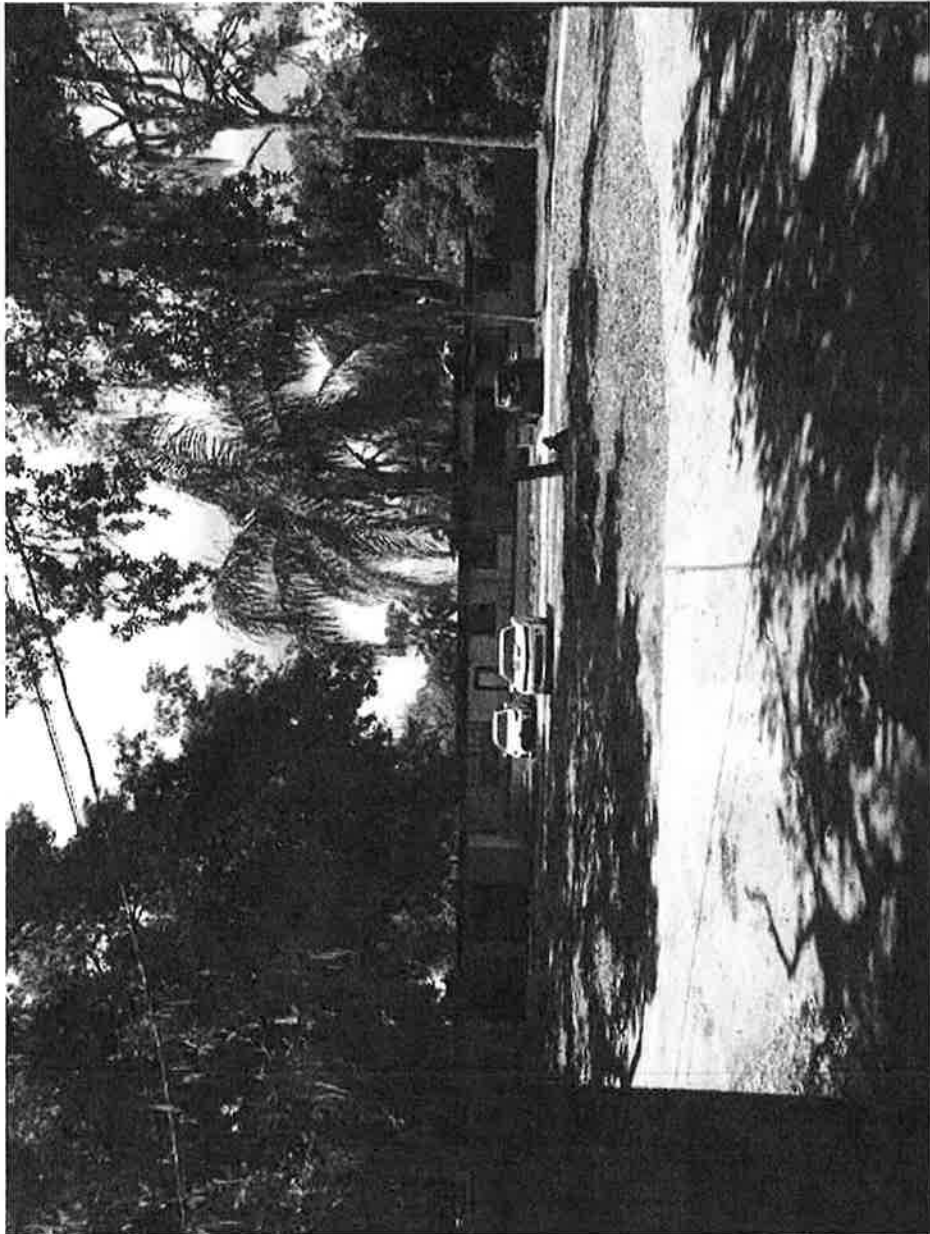
Appealed to City Council: ☐ Yes ☐ No

Council Action: _____









April 2, 2018

Belle Isle City Commission
1600 Nela Ave
Belle Isle, FL 32809

Re: 7020 Seminole Dr. Variance Request

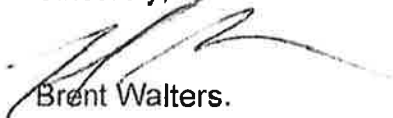
Belle Isle City Commission,

Thank you for your consideration of our variance application for a Lot Split at 7020 Seminole Dr. After reviewing the lots in the immediate area we have found that the vast majority are Non Conforming based on lot width (see attached overlay). Additionally, as other applicants have stated in the past, several other lots are non conforming based on House setbacks, total lot size, and house square footage (not reflected on attached overlay).

This entire area was platted as 70 foot lots and most remain that size. Currently the parcel is underutilized as a single family. The granting of this variance will create two 75 foot lots adding aesthetic value as well as added tax base to the city by allowing construction of two high quality custom homes selling for over 1,000,000 to replace the existing structure. Our request to split this lot is the only way to accomplish this goal and create conformity with the adjacent homes.

Please see attached documentation further detailing how the requested lot split will create conformity with the existing area.

Sincerely,



Brent Walters.

Prepared by:
BARBIE BECKETT
Internet Title Services, Inc.
660 Palm Springs Drive
Altamonte Springs, Florida 32701

File Number: 13206

General Warranty Deed

Made this November 24, 2004 A.D. By Edward P. Hale, an unmarried man, whose address is: 2131 MAJESTIC WOODS BLVD. APOPKA FL 32712, hereinafter called the grantor, to Cynthia G. Lance and Paul Robert Lance, husband and wife, whose post office address is: 3401 Trentwood Blvd., Orlando, FL. 32812, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Orange County, Florida, viz:

The East 45 feet of Lot 15, all of Lot 16 and the West 35 feet of Lot 17, Block B, Lake Conway Park, according to the Plat thereof as recorded in Plat Book G, Page 138, Public Records of Orange County, Florida; including all rights, title, interest, claim and demand which the grantor has in and to the lands to lake as recorded in Deed Book 752, Page 446, Public Records of Orange County, Florida, insofar only as said lands lie between the above described property and the lake aforesaid.

Parcel ID Number: 29-23-30-4389-02150

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2004.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Barbie A. Beckett
Witness Printed Name BARBIE A. BECKETT

Edward P. Hale (Seal)
Edward P. Hale
Address:

Bruce C. Myrick
Witness Printed Name Bruce C. Myrick

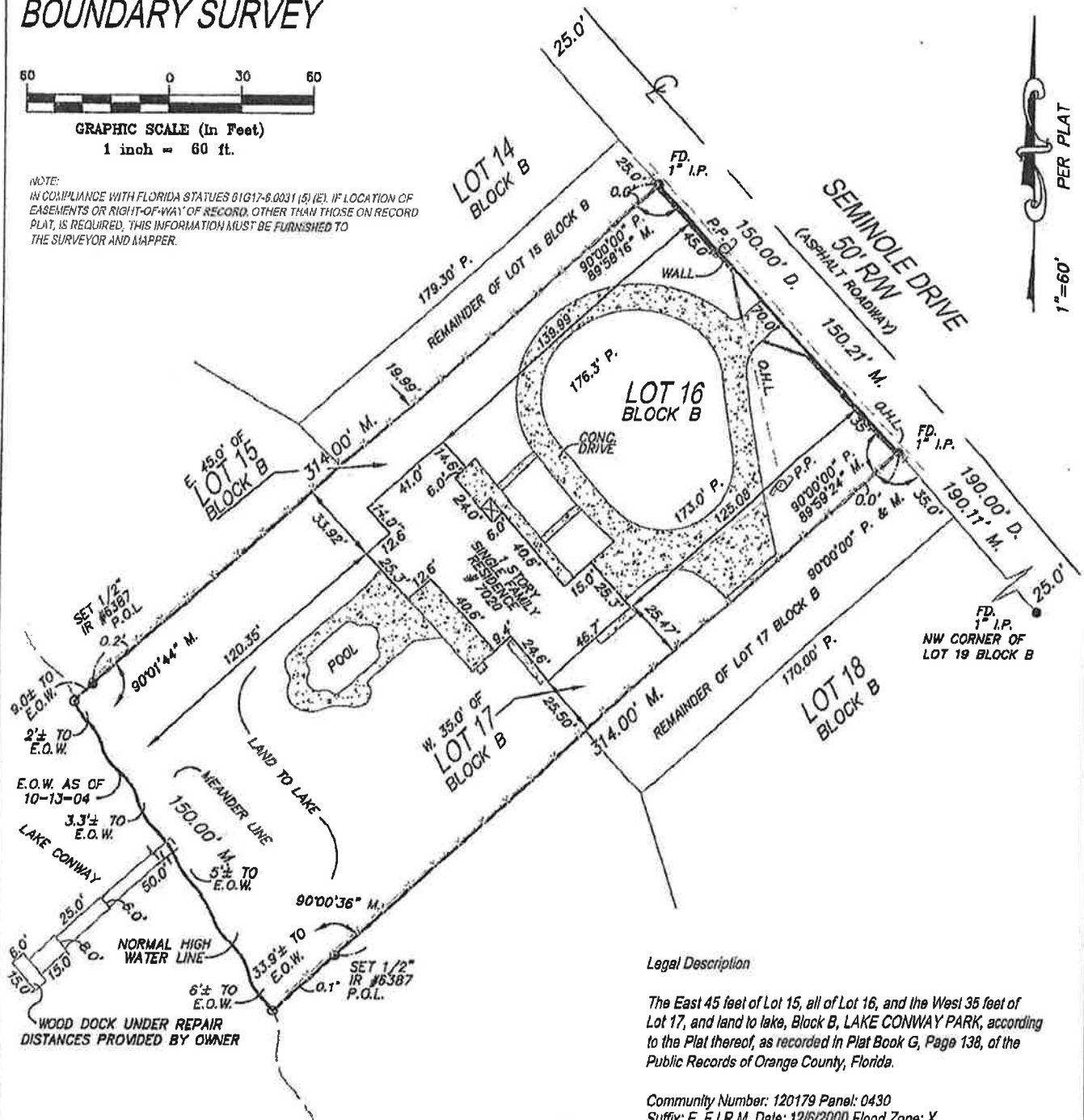
Address: 13 58

BOUNDARY SURVEY



GRAPHIC SCALE (In Feet)
1 inch = 60 ft.

NOTE:
IN COMPLIANCE WITH FLORIDA STATUTES 81G17-8.0031 (5) (E), IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLAT, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER.



Legal Description

The East 45 feet of Lot 15, all of Lot 16, and the West 35 feet of Lot 17, and land to lake, Block B, LAKE CONWAY PARK, according to the Plat thereof, as recorded in Plat Book G, Page 138, of the Public Records of Orange County, Florida.

Community Number: 120179 Panel: 0430

Suffix: E F.I.R.M. Date: 12/6/2000 Flood Zone: X

Field Work: 10/11/2004 Completed: 10/12/2004

Certified To:

Paul Robert Lance; Cindy Lance; Internet Title Services, Inc.; First American Title Insurance Company; Sovereign Bank, its successors and/or assigns.

Property Address:

7020 Seminole Drive
Orlando, Florida 32812

Survey Number: O-137322

GENERAL NOTES:

- 1) LEGAL DESCRIPTION PROVIDED BY OTHERS.
- 2) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- 3) UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- 4) WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES
- 5) NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 6) ONLY VISIBLE ENCROACHMENTS LOCATED.
- 7) NO IDENTIFICATION FOUND ON PROPERTY CORNERS UNLESS OTHERWISE SHOWN.
- 8) DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- 9) FENCE OWNERSHIP NOT DETERMINED.
- 10) ELEVATIONS IF SHOWN ARE BASED UPON N.G.V.D. UNLESS OTHERWISE NOTED.
- 11) BEARINGS REFERENCED TO LINE NOTED B.R.
- 12) THIS SURVEY DEPICTED HERE FORMS A CLOSED GEOMETRIC FIGURE.
- 13) NO UNDERGROUND IMPROVEMENTS OR VISIBLE INSTALLATIONS

LEGEND

—	CALCULATED CENTERLINE
—	WOOD FENCE
—	WIRE FENCE
●	PROPERTY CORNER
●	SITE BENCH MARK
●	ENCROACHMENT
●	CENTERLINE
●	CONCRETE MONUMENT

FD.	FOUND
O.H.L.	OVERHEAD LINES
P.P.	POWER POLE
TY	TRANSFORMER
CATV	CABLE RISER
W.M.	WATER METER

—	WOOD DECK
—	CONC. BLOCK WALL TYP.
—	COVERED AREA
—	CONCRETE
—	FIELD MEASURED
—	PLAT
—	CALCULATED

LAKE CONWAY PARK.

PART 1
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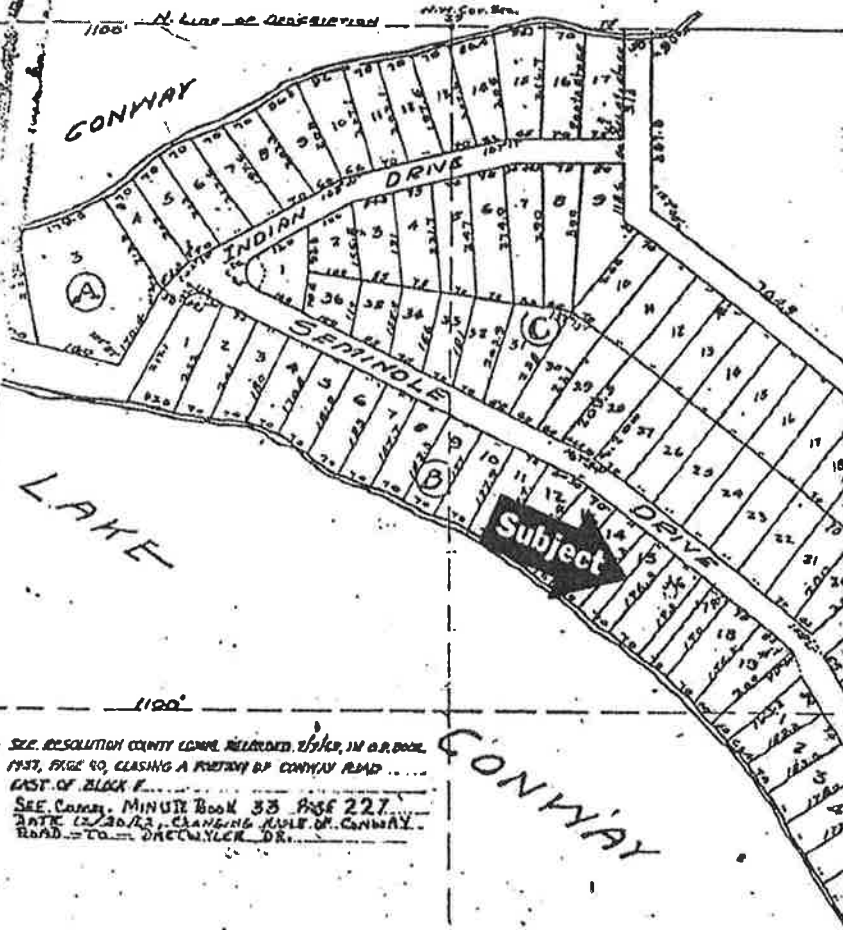
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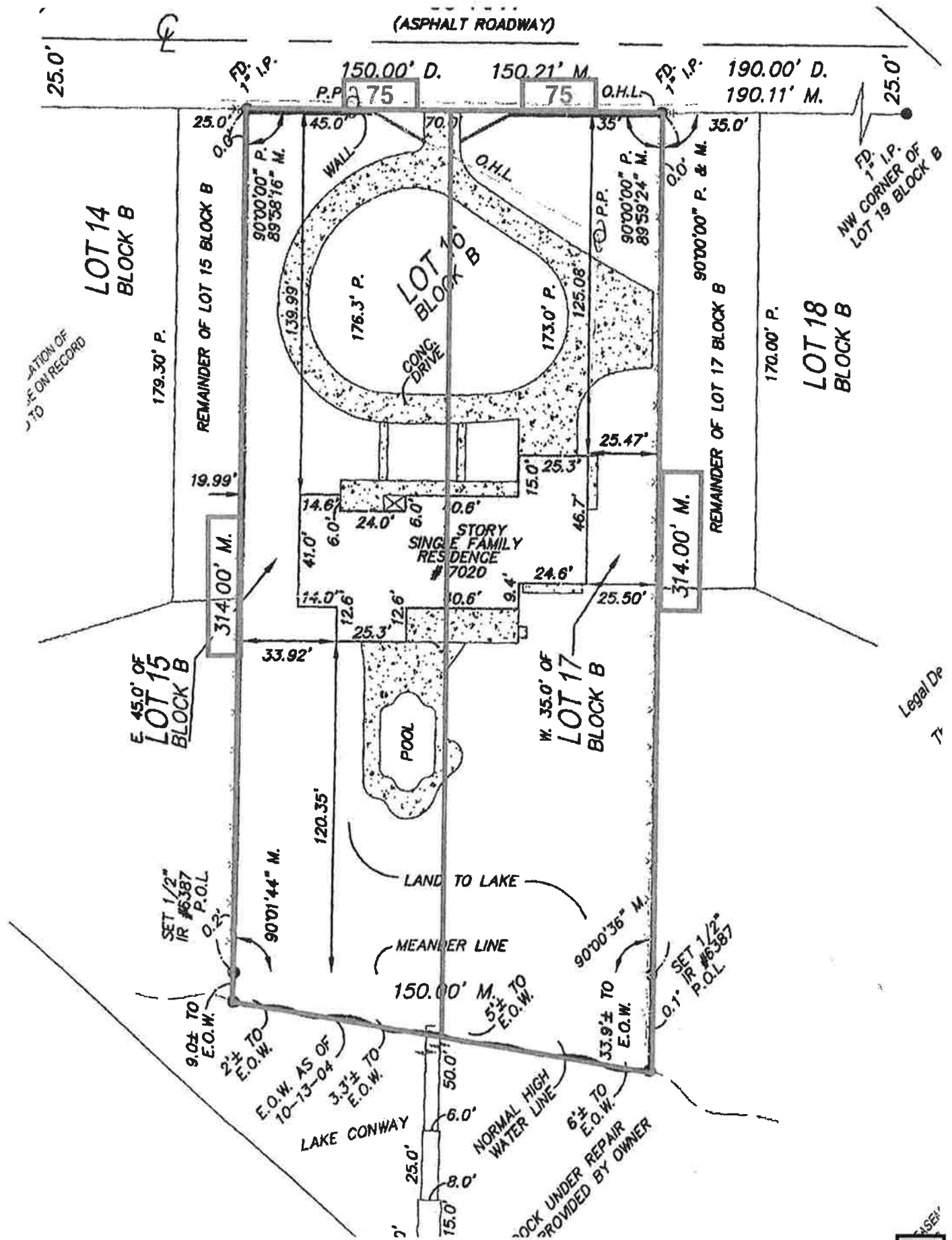
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DETTY HENDERSON
NOTARY PUBLIC

SEC. RESOLUTION COUNTY COM. RECORDED 25/10/22 IN A.D. BOOK
1937, PAGE 60, CLOSING A PORTION OF CONWAY ROAD
EAST OF BLOCK F
SEE CONN. MINUTE BOOK 33 PAGE 227
DATE 12/20/22, CHANGING NAME OF CONWAY
ROAD TO DRECHWYLER DR.

West Line Section 29



(ASPHALT ROADWAY)



Legal De

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April 2, 2018

Belle Isle City Commission
1600 Nela Ave
Belle Isle, FL 32809

Re: 7020 Seminole Dr. Variance Request

Ms. April Fisher,

Please see below for specific answers to the variance application per your request. Additionally, please see attached supplemental letter for additional comments and details related to this request.

1. Specific Conditions or Circumstances –The current zoning was not in effect when the area was originally platted as 70 foot lots. The vast majority of lots in the area remain at 70 feet and are nonconforming based on lot size as well as other factors listed in the supplemental letter. Our hardship is that the property in question is more than twice as large as most other lots in the area (including lakefront). The city's rezoning and creation of non conforming lots throughout the area has created a hardship on our property owner as he must now request a variance for a lot split in order to create two lots that are in conformity with the surrounding community.
2. Not Self-Created – The owner of the lot did not create this hardship, as the area lots were originally platted at 70 feet, and most neighborhood lots remain this size.
3. Minimum Possible Variance – This parcel is currently 150 feet and we are requesting a lot split creating two 75-foot lots (still larger than almost all surrounding lots). This is the minimum possible variance to bring our lot into conformity with the surrounding properties.
4. Purpose and Intent – The generalized purpose and intent of zoning regulations as defined by Wikipedia is "To segregate uses that are incompatible and to prevent new development from interfering with existing uses and or preserve the character of a community". Granting this variance will allow our property to truly conform to the character or the community and surrounding homes.

Please see additional narrative and attachments for further details.

Sincerely,

Brent Walters



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

Meeting Date: June 5, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Fertilizer Ordinance

Background: A requirement for the City's Municipal Separate Storm Sewer (MS4) Program and MS4 permit is that the City adopt an ordinance regulating the proper use and application of fertilizer, training and certification of commercial applicators, and periods of restricted use. Many municipalities in Orange County have adopted the County's ordinance which was updated and adopted last year. FDEP also recommends adoption of this ordinance.

At the May 15, 2018 meeting Council directed that an ordinance be drafted based on the Orange County Ordinance.

Staff Recommendation: Read Ordinance 18-06 for the first time by title only

Suggested Motion: I move that we read Ordinance 18-06 for the first time by title only

Alternatives: Do not adopt the County ordinance and direct the City Manager to develop another ordinance.

Fiscal Impact: None

Attachments: Ordinance 18-06

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ORDINANCE NO. 18-06

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE CITY CODE ENACTING A FERTILIZER MANAGEMENT ORDINANCE REGULATING THE APPLICATION OF FERTILIZER TO LAWNS AND TURF IN THE CITY OF BELLE ISLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR SEASONAL RESTRICTIONS ON FERTILIZER APPLICATION; PROVIDING RESTRICTIONS FOR FERTILIZER CONSTITUENTS PHOSPHORUS AND NITROGEN; PROVIDING FOR RESTRICTIONS IN RATES OF FERTILIZER APPLICATION; PROVIDING FOR TRAINING REQUIREMENTS FOR COMMERCIAL APPLICATORS OF FERTILIZER; PROVIDING FOR EXEMPTIONS; PROVIDING FOR VARIANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR INCLUSION INTO CODE; AND PROVIDING FOR CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, surface water runoff and baseflow runoff leaves residential neighborhoods, commercial centers, industrial areas, and other lands of the City of Belle Isle and enters into natural and artificial stormwater and drainage conveyance systems and natural water bodies in the City of Belle Isle; and

WHEREAS, phosphorus and nitrogen - the primary nutrients associated with the degradation of groundwater and surface water - are commonly the primary components of fertilizer for lawn and turf application; and

1 WHEREAS, leaching and runoff of nutrients from improper or excess fertilization practices
2 contributes to nitrogen and phosphorus loading in the City of Belle Isle's stormwater conveyance
3 systems, groundwater and natural water bodies and thus to the overgrowth of algae and
4 vegetation in these waterways, groundwater and water bodies; and
5

6 WHEREAS, the City of Belle Isle's natural and artificial stormwater and drainage conveyance
7 systems regulate the flow of stormwater preventing flooding and undesired accumulations of water;
8 and
9

10 WHEREAS, the overgrowth of algae and vegetation in stormwater and drainage conveyance systems
11 hinders flood prevention and proper stormwater conveyance; and
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13 WHEREAS, the quality of streams, lakes, and wetlands is critical to environmental, economic,
14 and recreational prosperity and to the health, safety, and welfare of the residents of the City of
15 Belle Isle; and
16

17 WHEREAS, recent algae blooms and accelerated growth of aquatic weeds in the City of Belle
18 Isle's water bodies have elevated concerns about water quality and eutrophication; and
19

20 WHEREAS, the amount of fertilizer applied to a given landscape and the method of application
21 have the potential to create nutrient pollution and adversely affect the quality of the waterways and
22 water bodies in the City of Belle Isle; and
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24 WHEREAS, the amount of fertilizer applied should be the minimum necessary for lawns and turf to
25 meet initial vegetative establishment and basic growth needs; and

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3 WHEREAS, it is generally recognized that Florida soils naturally have a suitable phosphorus
4 content for most vegetative needs and that phosphorus is therefore rarely needed to create or
5 maintain a vibrant landscape; and

6
7 WHEREAS, it has been recognized that the use of slow release nitrogen sources is more efficiently
8 used by plants and less likely to leach out or wash away in stormwater runoff; and

9
10 WHEREAS, this ordinance is part of a multi-pronged effort by the City of Belle Isle to reduce
11 nutrient leaching and runoff through improved stormwater management, water conservation
12 efforts, conversion of septic systems to central sewage treatment, public education, and updated
13 development standards as set forth in the City of Belle Isle Code.

14
15 WHEREAS, the City of Belle Isle, as part of a comprehensive program to address nonpoint sources of
16 nutrient pollution which is science-based, and economically and technically feasible, this ordinance
17 contains additional or more stringent standards than those in the Florida Department of
18 Environmental Protection's Model Ordinance for Florida-Friendly Fertilizer Use on Urban
19 Landscapes (January 2009) which are necessary to adequately address urban fertilizer contributions
20 to nonpoint source nutrient loading to water bodies; and

21
22 BE IT ORDAINED BY THE CITY OF BELLE ISLE CITY COUNCIL:

23 Section I. Enactment of a New Fertilizer Management Ordinance. A new Fertilizer Management
24 Ordinance, to be codified in Chapter 10-Environmental, Article IV-STORM WATER
25

MANAGEMENT, DIVISION 2, of the City of Belle Isle Code, Sections 10-98 through 10-110, inclusive, is enacted to read as follows:

ARTICLE IV – STORM WATER MANAGEMENT, DIVISION 2, FERTILIZER MANAGEMENT
ORDINANCE

Section 10-98. Findings and Purpose.

The City of Belle Isle has determined that as a result of impairment of the City of Belle Isle's surface waters, groundwater, and springs caused by excessive nutrients due to the improper use of fertilizers on land has adverse effects on waterways, water bodies and groundwater. This ordinance regulates the proper use and application of fertilizer, training requirements, and restricted application periods in the City.

Section 10-99. Definitions.

- a) Apply or application means the physical deposit, placement, or release of fertilizer upon soil, lawns, turf or landscape plants.
- b) Applicator means any person who applies, or causes the application of, fertilizer.
- c) Article means Chapter 10, Article IV, Division 2, of the City of Belle Isle Code of Ordinances, as enacted, unless otherwise specified.
- d) Best Management practices (BMPs) means the practice or combination of practices based on research, field testing and expert review, determined by the Florida Department of Environmental Protection or comparable agency to be the most effective and practicable, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.

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- e) Commercial applicator means any person who applies fertilizer in exchange for money, goods, services or other valuable consideration and who is required by law, ordinance, or regulation to pay the City of Belle Isle local business tax.
 - f) Fertilizer means any substance or mixture of substances, excluding pesticides, organic composts, and fertilizer derived from bio solids, that contains one or more recognized plant nutrients and promotes plant growth, or controls soil enrichment, or provides other soil enrichment, or provides other corrective measures to the soil.
 - g) Guaranteed analysis means the percentage of plant nutrients or measures of neutralizing capability claimed to be present in a fertilizer.
 - h) Groundcover means plants used in mass as alternative to turf, sod or lawn and/or to create variety in landscape; usually not having a mature height over two (2) feet tall.
 - i) Landscape plants means any shrub, tree or groundcover, exceeding 2 feet in height, excluding turf, sod, lawn and vegetable gardens.
 - j) Person means any person, natural or artificial, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee, or any other legal entity, the United States of America, and the state of Florida and all political subdivisions, regions, districts, municipalities, and public agencies.
 - k) Restricted season means the period from June 1st through September 30th.
 - l) Slow release means nitrogen in a form which delays its availability for plant uptake and use for an extended period after application, or which extends its availability to the plant longer than a readily available, rapid or quick-release product. This definition includes the terms "controlled release," "timed release," "slowly available," and "water insoluble."
 - m) Turf, sod, or lawn means a mat layer of monocotyledonous plants, including but not limited to, Bahia, Bermuda, Centipede, Paspalum, St. Augustine or Zoysia.

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2
3 Section 10-100. Applicability.

- 4 a) This ordinance shall be applicable throughout all of the City of Belle Isle, except in areas
5 that have minimum standards for the regulation of fertilizer application that are no less strict
6 than those in this article.
- 7 b) Any business that sells fertilizer shall post a notice provided by the City stating the use of
8 lawn, turf, sod, groundcover and landscape fertilizers in the City of Belle Isle/Orange County is
9 restricted in accordance with this article.

10
11 Section 10-101. Weather and Seasonal Restrictions.

- 12 a) No fertilizer containing nitrogen or phosphorus shall be applied to turf, sod, lawn,
13 groundcover or landscape plants during a period for which the National Weather Service
14 has issued any of the following advisories for any portion of the City of Belle Isle: a severe
15 thunderstorm warning or watch, flood warning or watch, tropical storm warning or watch,
16 hurricane warning or watch.
- 17 b) No person, except applicators certified pursuant to Section 10-107 herein, shall apply
18 fertilizer containing nitrogen or phosphorus to turf, sod, lawn, groundcover or landscape
19 plants during the Restricted Season.

20
21 Section 10-102. Fertilizer Content; Application Rate.

- 22 a) No fertilizer shall be used unless labeled in accordance with state law.
- 23 b) No fertilizer containing phosphorus shall be applied to turf, sod, lawn, groundcover or
24 landscape plants. Provided, however, where phosphorus deficiency has been demonstrated in
25 the soil by a soil analysis test performed by a laboratory, using University of Florida's

Institute of Food and Agricultural Sciences (“UF/IFAS”) approved methodology phosphorus may then be applied at a rate no greater than one-quarter of one pound (0.25 lb.) of phosphorus per 1,000 square feet per application, not to exceed one-half pound (0.5 lb.) of phosphorus per 1,000 square feet per year. Any person who obtains such a soil analysis test showing a phosphorus deficiency may apply phosphorus and shall provide the test results to the City of Belle Isle, Attention: City Manager, within 30 days of receipt of results.

- c) No fertilizer containing nitrogen shall be applied to turf, sod, lawn, groundcover or landscape plants unless at least fifty (50) percent of its nitrogen content is slow release as indicated on the Guaranteed Analysis label, with no more than one pound (1 lb.) total nitrogen per 1,000 square feet of area per application. This requirement shall change to at least sixty-five (65) percent slow release of the product when readily available on the local commercial market by July 1, 2020.
- d) Notwithstanding subsection 10-101 (c), commercial applicators may apply fertilizer at a rate that does not exceed one-half of one pound (0.5 lb.) of readily available nitrogen per 1,000 square feet of area, provided, however, that any application that exceeds one-half of one pound (0.5 lb.) of nitrogen shall conform to subsection 10-101 (c).
- e) Notwithstanding any other provision of this section 10-101, fertilizer applied to turf, sod, lawn, groundcover or landscape plants must follow the guidelines found in Rule 5E-1.003, F.A.C. as it may be amended.

Section 10-103. Fertilizer-Free Zones.

- a) No fertilizer shall be applied within ten (15) fifteen feet of any wetland, lake, pond, stream, water body, water course, canal or other water body.

- 1 b) No fertilizer shall be deposited, washed, swept, or blown off - intentionally or inadvertently
2 - onto any impervious surface, public right-of-way, public property, stormwater drain, ditch,
3 conveyance, or water body. Any fertilizer applied, spilled, released or deposited, either
4 intentionally or inadvertently on any impervious surface, public right-of-way, public property,
5 stormwater drain, ditch, conveyance, or water body shall be immediately and completely
6 removed to the greatest extent practicable. Fertilizer on an impervious surface must be
7 immediately contained and either legally applied to turf or landscape plants or any other
8 legal site, or returned to the original or other appropriate container.
9
10 c) A low-maintenance zone is strongly recommended for all areas within ten (10) feet of
11 the normal high water elevation of any lake, pond, stream, water body, water course or canal,
12 or any wetland. Low-maintenance zones should be planted and managed in such a way as to
13 minimize the need for watering, mowing, and other active maintenance. No mowed or cut
14 vegetative material may be deposited or left remaining in this zone or deposited in the water.
15 Care should be taken to prevent overspray of aquatic weed control products in this zone.

16 Section 10-104. Mode of Application.

17 Broadcast spreaders applying fertilizers must be equipped with deflector shields positioned to deflect
18 fertilizer from all impervious surfaces, rights-of-way, stormwater drains, ditches, conveyances, and
19 water bodies.

20
21 Section 10-105. Grass Clippings and Vegetative Material/Debris.

22 Grass clippings and/or vegetative material/debris shall not be deposited, washed, swept, or
23 blown off - intentionally or inadvertently - onto any impervious surface, public right-of-way,
24 stormwater drain, ditch, conveyance, or water body.
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3 Section 10-106. Exemptions; exceptions.

- 4 a) This article shall not apply to any bona fide farm operation that the City of Belle Isle is
5 without authority to regulate with regard to fertilizer application pursuant to the Florida
6 Right to Farm Act, Sec. 823.14, et seq., Florida Statutes (2018), or other applicable state
7 law.
- 8 b) This article shall not apply to sports turf areas at parks and athletic fields.
- 9 c) This article shall not limit or prevent the City of Belle Isle from the City's care, maintenance,
10 fertilization, mowing and upkeep of City property, public rights of way and other public
11 property.

12 Section 10-107. Commercial Training Requirements; Proof of Compliance.

- 13 a) No commercial applicator shall cause fertilizer to be applied, except at his or her own
14 residence, without a valid limited certification for urban landscape commercial fertilizer
15 application from the Florida Department of Agriculture and Consumer Services, as specified in
16 section 10-106(c).
- 17 b) Each commercial applicator shall ensure that each applicator he or she employs has a valid
18 limited certification for urban landscape commercial fertilizer application from the Florida
19 Department of Agriculture and Consumer Services prior to the application of fertilizer.
- 20 c) Possession of a valid limited certification for urban landscape commercial fertilizer application
21 from the Florida Department of Agriculture and Consumer Services or the Florida
22 Department of Environmental Protection's Florida Friendly Best Management Practices for
23 Protection of Water Resources by the Green Industries training by UF/IFAS shall suffice as
24 evidence of completion of a County-approved best management practices training program.
25

- 1 d) Certified applicators must show proof of training/certification on all vehicles used during
2 applications.

3
4 Section 10-108. Commercial Applicators; Business Tax Certificate.

5 Prior to paying a City local business tax for a business that provides landscape services, each
6 commercial applicator provide proof of successful completion from a County or other FDEP or
7 comparable agency approved best management practices training program within the previous three
8 years. Possession of a valid limited certification for urban landscape commercial fertilizer
9 application from the Florida Department of Agriculture and Consumer Services or the Florida
10 Department of Environmental Protection of Water Friendly Best Management Practices for Protection
11 of Water Resources by the Green Industries training by UF/IFAS shall suffice as evidence of
12 completion of a County or other FDEP or comparable agency approved best management practices
13 training program.

14 Section 10-109. Variances.

- 15 a) All requests for a variance(s) from the requirements of this article shall be made in writing
16 to the City Clerk Attn: Planning & Zoning Board of the City of Belle Isle. The Planning &
17 Zoning Board may require the applicant for a variance to provide such information
18 as necessary to effectuate the purpose of this article. The Planning & Zoning Board may
19 approve, approve with conditions or deny requests for variances, as set forth in section
20 42-64 of the City's Land Development Code. In addition to the criteria in Section 42-64, a
21 variance may not be approved unless strict application of the City of Belle Isle Fertilizer
22 Management Ordinance would create unreasonable results or consequences and provided that
23 the applicant demonstrates with particularity that compliance with this article will result in a

1 substantial economic, health or other hardship on the applicant requesting the variance or
2 those served by the applicant.

- 3
4 b) Any person aggrieved by the decision of the Planning & Zoning Board may appeal
5 pursuant to the provisions of Section 42-71 of the City's Land Development Code.

6
7 Section 10-110. Enforceability and Penalty

- 8 a) It shall be unlawful for any person to violate any provision of this article or any provision of
9 any resolution enacted pursuant to the authority of this article. Every code enforcement
10 officer is authorized to enforce the provisions of this article. Any person who violates any
11 provision of this article or any provision of any resolution enacted pursuant to the authority
12 of this article, shall be subject to the following penalties:

13 (i) First violation: written notice

14 (ii) Second violation: Fine of fifty dollars (\$50.00) except for commercial
15 applicators the fine shall be five hundred dollars (\$500.00).

16 (iii) Third and subsequent violations: Fine of one hundred dollars (\$100.00) except for
17 commercial applicators the fine shall be seven hundred fifty dollars (\$750.00).

- 18 b) In addition to the enforcement provisions provided, the City may avail itself of any other
19 legal or equitable remedy available to it including, without limitation, injunctive relief, in the
20 enforcement of any provision of this article or any provision of any resolution enacted
21 pursuant to the authority of this article. Any person violating this article shall be held
22 liable for all costs incurred by the City in connection with enforcing this article, or any
23 resolution enacted pursuant to the authority of this article including, but not limited to,
24 attorney's fees.

1
2 **Section 2. Severability and Conflicts.**

3 If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any
4 reason held or declared to be unconstitutional, inoperative, or void, such holding of invalidity shall
5 not affect the remaining portions of this Ordinance and it shall be construed to have been the
6 intent to adopt this article without such unconstitutional, invalid, or inoperative part therein; and the
7 remainder of this article, after the exclusion of such part or parts, shall be deemed to be held valid as if
8 such part or parts had not been included herein. To the extent any provision in this Ordinance
9 conflicts with any Code provision, this Ordinance shall control to the extent of the conflict.

10
11 **Section 3. Liberal Construction.**

12 The provisions of this Ordinance shall be liberally construed to effectuate its purposes.

13 **Section 4. Codification.**

14 This Ordinance shall be made a part of the City of Belle Isle Code. Any section, paragraph number,
15 letter and/or heading may be changed or modified as necessary to effectuate the foregoing.

16 Grammatical, typographical and similar like errors may be corrected, and additions, alterations, and
17 omissions not affecting the construction or meaning of this ordinance or the City Code may be freely
18 made.

19 **Section 5. Effective Date.**

20 This Ordinance shall become effective immediately upon adoption by the City Council of the City of
21 Belle Isle, Florida.

22 First reading on _____, 2018.

23 Second Reading and Adoption this _____ day of _____, 2018.
24
25

	YES	NO	ABSENT
Ed Gold	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Carugno	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeremy Weinsier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Sims	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harvey Readey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Partin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sue Nielsen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

Yolanda Quiceno, CMC-City Clerk

Lydia Pisano, Mayor

Approved as to form and legality
A. Kurt Ardaman, City Attorney

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

Meeting Date: June 5, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Proposed Charter Change

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

Another proposed change is to require that the charter changes must pass by at least 60% of the total vote at an election, not just by majority.

Section 7.01 of the Charter states: The council may, by ordinance, propose amendments to any part or all of this charter, except Article II prescribing boundaries, and upon passage of the initiating ordinance shall place the proposed amendment to a vote of the electors at the next general election held within the city or at a special election called for such purpose.

Section 7.01 does not states that it has to pass by a majority, but makes the assumption that it is a majority vote as the state statues refer to majority vote passage

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.

The other reference in the charter to majority vote is in Section 6.05 which 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. The staff interprets this to mean that this section applies to only changing the date of a City election.

Staff Recommendation: Provide direction to the staff to prepare ordinance as done for the previous charter changes for the November 2018 ballot.

Suggested Motion: I move that we direct the City Attorney to prepare an ordinance for the proposed charter change that future charter changes must pass by at least 60% of the total vote at an election.

Alternatives: None

Fiscal Impact: None

Attachments: Draft Ordinance



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

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

Staff Recommendation: Provide direction to the staff to prepare ordinance as done for the previous charter changes for the November 2018 ballot.

Suggested Motion: I move that we direct the City Attorney to prepare an ordinance for the proposed charter change that future charter changes must pass by at least 60% of the total vote at an election.

Alternatives: None

Fiscal Impact: None

Attachments: Draft Ordinance

ORDINANCE 18-__

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 November 2, 2018; 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 November 2, 2018.

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

3
4 Section 1. Recitals. The foregoing recitals are hereby ratified and
5 confirmed as being true and correct and are hereby made a part of this ordinance.

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

13
14 Section 3. Ballot Question, Sec. 3.01. The ballot title and summary for
15 the City Charter amendment(s) described in Section 2 of this Ordinance shall be as
16 set forth below, and shall be followed by the words "yes" and "no":

17
18 Question #1:

19 Amendment of Section 7.01, Belle Isle City Charter

20
21 Shall Section 7.01 of the Belle Isle City Charter be amended to provide that the
22 passage of a charter amendment ordinance must receive a sixty percent (60%) or
23 more affirmative vote to be adopted of those voting on such ordinance,?

1 Yes _____

2 No _____

3
4 Section 4. Referendum. The forgoing proposed amendments to the Charter of
5 the City of Belle Isle and their accompanying ballot questions shall be
6 individually placed on the City ballot and submitted to the qualified electors of
7 the City of Belle Isle at the election held on NOVEMBER 2, 2018. The City Clerk
8 is hereby authorized and directed to advertise the referendum election authorized
9 herein in accordance with the applicable provisions of the City Charter, City
10 Code, Florida Statutes, Florida Administrative Code, and federal law. In the event
11 it becomes necessary, as determined by the City Council, to make modifications to
12 any ballot question contained herein after adoption of this Ordinance, the City
13 Council may make such modification by Resolution. In the event it becomes
14 necessary, as determined by the City Council, to reschedule the referendum on the
15 proposed amendments to the City Charter set forth herein, the City Council may
16 make such modification by Resolution.

17
18 Section 5. Codification & Corrections. Any City Charter amendment provided
19 for in this Ordinance which receives affirmative votes from the majority of the
20 votes cast shall be incorporated into the City Charter of the City of Belle Isle.
21 Any section, paragraph number, letter and/or any heading may be changed or
22 modified as necessary to effectuate the foregoing. Grammatical, typographical and
23 similar like errors may be corrected, and additions, alterations, and omissions
24
25

1 not affecting the construction or meaning of this Ordinance or the City Charter
2 may be freely made.

3
4 Section 6. Severability. If any section, subsection, sentence, clause,
5 phrase, word or provision of this Ordinance is for any reason held invalid or
6 unconstitutional by any court of competent jurisdiction, whether for substantive,
7 procedural, or any other reason, such portion shall be deemed a separate, distinct
8 and independent provision, and such holding shall not affect the validity of the
9 remaining portions of this Ordinance.

10
11 Section 7. Conflicts. In the event of a conflict or conflicts between this
12 Ordinance and any other Ordinance or provision of law, this Ordinance controls to
13 the extent of the conflict, as allowable under the law.

14
15 Section 8. Directions to City Staff. City Staff under the direction of the
16 City Manager are directed and authorized to take such actions as are necessary and
17 advisable to effect and carry out this Ordinance and the City Charter amendments
18 and referendum provided for herein. If the City Charter is amended, a copy of the
19 revised City Charter shall be filed with the Department of State in accordance
20 with Section 166.031(2).

21
22 Section 9. Effective Dates. This Ordinance shall become effective
23 immediately upon adoption by the City Council of the City of Belle Isle, Florida.
24 Any City Charter amendment provided for herein shall become effective immediately
25

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



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

Meeting Date: June 5, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Contract for Solid Waste Disposal

Background: The initial contract with Republic Services of Florida will end on September 30, 2018. The contract also states that we have to provide 120 days' notice of our intent to renew. The contract allows for 5 one-year renewals. This would be the first renewal. If the Council does not want to renew the contract then we would need to immediately draft and advertise an RFP for this service.

The City posted a short survey asking if people liked the current service. There was a response from 300 residents and the majority liked the service and wanted it to continue. If we continue the current service for one year, the residential rate would be \$19.65 per home and the commercial rate would be \$7.41 per yard.

It should also be pointed out that during Hurricane Irma, although Republic did raise the cost to haul non-vegetative debris, they honored their contract and stayed here when other contractors left the area. The City does enjoy a good working relationship with Republic.

Also, for your review is information on the recycling market that could affect future costs and operations.

Staff Recommendation: Approval a one-year renewal with Republic

Suggested Motion: I move that we approve a one-year renewal with Republic Services of Florida to provide solid waste and recycling collection services.

Alternatives: Advertise an RFP for the service.

Fiscal Impact: \$38,000/month (charged to residents as non-ad valorem assessment of \$200)

Attachments: Contract
Information on the recycling market

SOLID WASTE SERVICE AGREEMENT

This Agreement made and entered into on this 25th day of Sept. 2013, by and between the City of Belle Isle, acting by and through its City Council (hereinafter referred to as "City"), and Republic Services of Florida, Limited Partnership d/b/a Republic Services of Orlando (hereinafter referred to as "Contractor"),

WITNESSETH

WHEREAS, City made a Request for Proposal, RFP #13-01, for solid waste collection and recycling services; and

WHEREAS, the Contractor submitted the lowest and best proposal in response to the City's Request for Proposal; and

WHEREAS, City enacted Ordinance No. 13-09 granting the Contractor an exclusive solid waste collection and recycling service franchise; and

WHEREAS, the Contractor desires to provide solid waste collection and recycling service for the City;

NOW, THEREFORE, FOR AND IN CONSIDERATION of the respective covenants herein contained, the parties agree as follows:

Section 1. COMMENCEMENT OF WORK

The refuse collection work outlined in this Agreement shall commence no later than October 1, 2013.

Section 2. TERM

The term of the Agreement shall be for a period of five (5) years, beginning October 1, 2013 and terminating September 30, 2018. This Agreement may be renewed for five (5) consecutive one (1) year periods at the option of the City and upon its notice of intent to renew at least 120 days prior to the end of the initial term or any renewal term.

The City reserves the right to terminate this Agreement, upon ninety (90) days' written notice to Contractor, if Contractor fails to perform in accordance with the terms of this Agreement and does not cure such failure to perform as provided in Section 12 more than twelve (12) times in any twelve (12) month period. In the event that the City terminates this Agreement pursuant to this paragraph, the City shall be liable only for amounts due for services provided by Contractor through the date of termination.

Section 3. DEFINITION OF TERMS

3.1 Biohazardous Waste. Shall mean any solid waste or liquid waste which is defined as biohazardous pursuant to Chapter 62-701, F.A.C.

3.2 Commercial Service. Shall herein refer to the service provided to business establishments, City owned property, churches, schools, Multiple Dwelling Units, office buildings, industrial facilities and other commercial establishments.

3.3 Commercial Trash. Shall mean any and all accumulations of paper, rags, excelsior or other packing materials, wood, paper or cardboard boxes or containers, sweepings, and any other accumulation not included under the definition of Garbage, generated by the operation of stores, offices, other business places and non-residential property.

3.4 Construction, and Demolition Debris. Shall mean materials defined as such from time to time by the Department and Chapter 62-701, F.A.C.

3.5 Agreement. Shall mean this Solid Waste Service Agreement and its Attachment(s), the terms and conditions specified in the City of Belle Isle Request for Proposal, RFP #13-01, and Contractor's proposal in response to the RFP.

3.6 Contractor. Shall mean Republic Services of Florida Limited Partnership, a Delaware limited partnership d/b/a Republic Services of Orlando.

3.7 Department. Shall mean the Florida Department of Environmental Protection.

3.8 Disposal Costs. Shall mean the "tipping fees" or other costs charged to the Contractor at the Disposal Site for disposal of the Refuse collected by the Contractor.

3.9 Garbage. Shall mean all kitchen and table food waste and/or animal or vegetative waste that is attendant with or results from the storage, preparation, cooking, or handling of food materials and any bottles, cans or other containers, utilized in normal household use, which due to their ability to retain water may serve a breeding place for mosquitoes and other insects.

3.10 Garbage Receptacle. Shall mean a garbage can owned and provided by a homeowner, not to exceed thirty-two (32) gallons in capacity or fifty (50) pounds in weight, or such other receptacle approved by the City and Contractor.

3.11 Garden and Yard Trash. Shall mean vegetative matter resulting from residential yard and landscaping maintenance and shall include materials such as tree and shrub trimmings, grass clippings, palm fronds, or small tree branches. All yard trash must be tied and bundled, must not exceed 5 feet in length, and must not exceed fifty (50) pounds in weight.

3.12 Hazardous Waste. Shall mean any waste or material (even though it may be part of a delivered load of waste) which:

(a) Is required to be accompanied by a written manifest or shipping document describing the waste as "Hazardous Waste", pursuant to any state or federal law, including, but not limited to, the Resource Conservation and Recovery Act, 42 USC 7901, et seq. as amended and the regulations promulgated thereunder; or

(b) Contains polychlorinated biphenyls or any other substance the storage, treatment or disposal of which is subject to regulation under the Toxic Substances Control Act, 15 USC 2601, et seq. as amended and the regulations promulgated thereunder; or

(c) Contains, a "reportable quantity" of one or more "Hazardous Substances", as defined in the Comprehensive Environmental Response, Compensation and Liability Act, 42 USC 9601, et seq. as amended and regulations promulgated thereunder or as defined under Chapter 62-701, F.A.C. and regulations promulgated thereunder; or

(d) Contains a radioactive material the storage or disposal of which is subject to state or federal regulation.

3.13 Household Trash. Shall herein refer to accumulations of paper, magazines, packaging, containers, sweepings, and all other accumulations of a nature other than Garbage or Garden and Yard Trash, which are usual to housekeeping and to the operation of residences. Special Waste, furniture, White Goods, and construction material is not Household Trash.

3.14 Landfill. Shall mean any solid waste, land disposal area for which a permit, other than a

general permit, is required by Chapter 403.707, Florida Statutes, that receives solid waste for disposal in or upon land other than a land-spreading site, injection well, or a surface impoundment.

3.15 Mechanical Container. Shall mean and include, any detachable metal container designed, or intended, to be mechanically dumped into a loader/packer type of Garbage truck used by the Contractor.

3.16 Multiple Dwelling Units. Shall mean any building containing four (4) or more permanent living units, not including motels and hotels.

3.17 City. Shall mean the City of Belle Isle.

3.18 Recyclable Materials. Shall mean any newspaper, cardboard, plastic, aluminum and other commercially viable recyclables as designated by Contractor that are generated within the Service Area.

3.19 Refuse. Shall mean Garbage, Commercial Trash and Household Trash. Construction and Demolition Debris, Garden and Yard Trash, Hazardous Waste, Biohazardous Waste, Special Waste and Recycled Material are excluded.

3.20 Residential Service. Shall herein refer to the Refuse collection service provided to persons occupying dwelling units within the designated area who are not receiving Commercial Service.

3.21 Service Area. Shall mean the City.

3.22 Special Waste. Shall mean those wastes as defined in Chapter 62-701-200, F.A.C.

3.23 White Goods. Includes inoperative and discarded refrigerators, ranges, water heaters, freezers, small air conditioning units, and other similar domestic and commercial large appliances. All appliances must be freon-free prior to collection, and all gasoline-powered waste must be free of gasoline and oil prior to collection.

3.24 Disposal Site. Shall mean any licensed solid waste facility at which the Contractor disposes of the City's waste.

Section 4. GRANT OF RIGHT: GENERAL CONDITIONS

4.1 Exclusive Right. The Contractor shall provide collection of Garbage, Household Trash, Commercial Trash and Garden and Yard Trash within the Service Area. The Contractor shall have and is hereby granted the exclusive right to provide residential Refuse collection service in the Service Area in accordance with the terms hereof and with the terms and conditions of the City of Belle Isle Request for Proposal, RFP #13-01 ("RFP"), which terms are incorporated herein by reference. In the event the terms and conditions of the RFP or Contractor's proposal conflict with the terms and conditions stated herein, the terms as stated herein shall prevail. In the event the terms and conditions of the RFP conflict with Contractor's proposal, Contractor's proposal shall prevail.

The Contractor shall have and is hereby granted the exclusive right to provide commercial refuse collection service, subject to the enactment of Ordinance 13-02. In furtherance of such grant, and subject to the enactment of Ordinance 13-02, and the City shall take any and all actions which may be necessary or desirable to enforce the provisions of said Ordinance and the grant of such exclusive right to Contractor.

4.2 Independent Contractor. Contractor shall be an independent contractor and shall provide, at his own expense, all labor, insurance, supervision, machinery and equipment, plant building, trucks and any other tools, equipment, accessories and things necessary to provide the service required herein. Contractor shall be responsible for compliance with all laws, rules and regulations involving

employment or labor, including but not limited to hours of labor, working conditions, payment of wages and payment of taxes such as unemployment compensation, workers' compensation, social security and other payroll taxes, including applicable contributions from such persons when required by law.

4.3 Spillage. Contractor shall not litter or cause any spillage to occur upon the premises or the rights-of-way wherein the collection shall occur. Contractor may refuse to collect any Refuse that has not been placed in a receptacle, as provided herein.

4.4 Disposal Site. All Refuse shall be hauled to a Disposal Site.

4.5 Equipment; Spillage; Personnel. In the event that Contractor's equipment breaks down or ceases to function properly while Contractor is providing services under this Agreement, or in the event that there is a loss of personnel or a spill/damage during operations within the City, Contractor shall respond within one (1) hour with sufficient manpower and equipment to provide the required service or remedy the damage.

4.6 Response Time. In the event of a missed pickup, if City notifies Contractor of such missed pickup prior to 3:00 P.M., the pickup will be made on the same day.

Section 5. RESIDENTIAL COLLECTION SERVICE

5.1 Duties. Contractor shall collect and dispose of all Refuse from all residential single-family homes, Multiple Dwelling Units and mobile homes in the Service Area. Contractor shall not be obligated to collect and dispose of Hazardous Waste, White Goods, Biohazardous Waste and other Special Wastes.

5.2 Frequency of Collection. Contractor shall collect Garbage and Bulk Waste from places of residence within the Service Area twice per week on Tuesdays and Fridays unless authorized by the City to change collection days. Contractor shall collect recycling from places of residence within the Service Area once every week. Contractor shall collect Garden and Yard Trash from places of residence within the Service Area once per week on Mondays. Garden and Yard Trash must be tied and bundled.

5.3 Point of Pickup of Residential Refuse. Collection of residential Refuse shall be at curbside, with the exception of those homes designated by the City as back door or side door accounts due to health issues of the homeowners.

5.4 Recyclable Materials. Contractor shall transport Recyclable Materials to a licensed facility and shall undertake reasonable efforts to ensure that such Recyclable Materials are used for beneficial reuse; however, Contractor may dispose of rejects and residue, and any Recyclable Materials which by virtue of contamination or otherwise are not suitable for re-use, and Contractor shall be entitled to make such determinations at its sole discretion.

Section 6. COMMERCIAL COLLECTION SERVICE

6.1 Duties. Contractor shall collect and dispose of Refuse from or generated by any commercial or industrial use, and any use not included within residential service.

6.2 Frequency of Collection. Commercial waste may be collected any day except Sundays, at any time after 7:00 AM and before 7:00 PM, unless otherwise authorized by the City. Refuse shall be collected not less than once per week and at a greater frequency if required to protect the public health. Collection service for customers using containers emptied by mechanical means, will be available up to seven (7) times per week, and the frequency of service will be as mutually agreed upon by the customer and Contractor. Should Contractor find that the customer's container is frequently or regularly overfilled or that waste overflow exists, Contractor will notify the customer and the City that additional service is needed. In the event that the customer refuses to agree to additional service, the City shall determine the level of service. Contractor shall notify the City of violations of the minimum service level and the City

shall enforce such minimum service level requirements.

6.3 Point of Pickup of Commercial Refuse. Commercial Refuse customers shall accumulate Refuse at locations that are mutually agreed upon by the customer and Contractor.

6.4 Method of Collection of Commercial Refuse. Contractor shall make collections with as little disturbance as possible. Any Refuse spilled by Contractor, or spilled a result of Contractor missing a pick-up, shall be picked up promptly by Contractor, unless spillage is caused by overloaded containers in which case the customer shall be responsible for picking up the spillage.

6.5 Exclusions. Contractor's obligation to collect and dispose of Commercial Refuse shall not include any obligation to collect and/or dispose of Special Waste, Hazardous Waste, Biohazardous Waste, Recyclables, Construction and Demolition Debris, Garden and Yard Trash, and White Goods.

6.6 Franchise Fee. Contractor shall pay to City, on a quarterly basis, a franchise fee of fifteen percent (15%) of all amounts paid by customers to Contractor for Contractor's collection of Commercial Trash.

6.7 Most Favored Nation. If after the date of this Agreement the Contractor enters into a new franchise agreement with any municipality within Orange County, Florida that requires the Contractor to provide similar services and service levels as those provided to the City (the "Comparison Municipality"), and under such new franchise agreement the Contractor charges lower collection and disposal rates or pays a higher franchise fee percentage to the Comparison Municipality, then the Contractor shall adjust the rates charged to or franchise fee percentage paid to the City to match the rates or franchise fee percentage of the Comparison Municipality.

Section 7. SCHEDULES AND ROUTES

7.1 Schedules. Contractor shall provide City with schedules for all residential collection routes. There shall be no commercial or residential garbage collection on Saturday or Sunday without the approval of the City. Contractor shall not begin residential collection before 7:00 AM and shall make its best efforts to complete the collection by 4:00 PM. City recognizes that on some occasions (after Holidays, extremely heavy volume yard waste days, and or equipment breakdowns) the contractor may go beyond 4:00 PM but must complete the collection route or otherwise provide good cause to the City why the routes cannot be completed. In the event that routes cannot be completed on the scheduled day, the Contractor shall complete the collection on the next day.

7.2 Holidays. Contractor will not provide service on the following holidays: Memorial Day, Independence Day, Labor Day, New Years Day, Thanksgiving Day and Christmas Day. If the regular collection day falls on any of the aforementioned holidays, Contractor shall collect the Refuse and Recyclable Materials on the next regularly scheduled collection day for the subject route.

Section 8. SPECIAL WASTE COLLECTION

Contractor may offer Special Waste, including White Goods, collection and disposal services to customers in the Service Area upon terms and conditions acceptable to Contractor and the customer generating the Special Waste or White Goods.

Section 9. CONTRACTOR'S OFFICE

Contractor shall provide, at its expense, a suitable office located in the vicinity of the Service Area with local telephone service where any complaints shall be received, recorded and handled during normal working hours of each week and shall provide for prompt handling of emergency complaints and all other special or emergency complaints or calls. Contractor shall keep a record of all complaints received and the disposition thereof for a period of one year after the termination or expiration of this Agreement and City shall be provided a copy of Contractor's records regarding the receipt and handling of complaints on

a quarterly basis.

Section 10. PAYMENT AND BILLING

10.1 (a) **Residential Billing.** Contractor shall invoice the City for services to be provided during the month and City shall pay Contractor within thirty (30) days of receipt of such invoice. The rates for such service shall be initially as set forth in Attachment A. City shall remit payment to the Contractor for those services within thirty (30) days of receipt of invoice from Contractor.

10.1 (b) **Commercial Billing.** Commercial billing shall be the responsibility of Contractor. Contractor shall invoice the customer at the rates set forth in Attachment A for the frequency of service agreed upon between the commercial customer and Contractor at the beginning of each month and Contractor shall collect payment directly from the commercial customer.

10.2 Adjustments to Rates.

(a) **Changes in Collection Price.** Compensation payable to Contractor for all solid waste services hereunder shall be adjusted annually to reflect changes in the consumer price index for all urban consumer items as published by the U.S. Department of Labor, Bureau of Labor Statistics ("CPI"). Commencing October 1, 2014, and thereafter annually, on the anniversary date of this Agreement, both residential and commercial collection rates shall be adjusted to reflect changes in CPI for the preceding calendar year. Any increases in rates shall be capped annually at the amount of the increase in the CPI or three percent (3%), whichever is lower; such cap shall be calculated separately for residential and commercial rates.

(b) **Changes in Disposal Costs.** The parties acknowledge that the current Disposal Cost is \$33.60 per ton. However, it is recognized that, from time to time, the actual Disposal Cost charged to Contractor for disposal of waste collected pursuant to this Agreement will change. In the event of such change in the Disposal Cost (including any fees, taxes or other charges or adjustments), the collection rates shall be increased or decreased in such amount as will compensate Contractor for the actual change of Disposal Cost. Decreases in Disposal Cost shall be cause for a like dollar decrease in the collection rates. The adjustments to the per unit rates shall include a landfill disposal portion based on each resident generating 1.6 tons of Refuse per year. The density of commercial dumpster service shall be 120 lbs. per cubic yard.

(c) **Change in Law.** The compensation shall be increased to offset the increased costs of Contractor as a result of increases in costs of operations resulting from changes in federal, state or local environmental or other law or regulation which changes affect operations on or after the date hereof concerning the receipt, handling, transportation, or disposal of waste pursuant to this Agreement. No change shall be allowed hereunder for increases due to increases in income taxes or increases already compensated for pursuant to Section 10.4(c).

(d) **Change in Disposal Site.** Should the City designate a disposal site other than the Orange County Landfill, Contractor shall be entitled to an equitable adjustment in rates to take into consideration distance, tipping fees, transportation costs, time and other relevant factors. Contractor shall provide City with supporting documentation for such adjustment and City shall respond to such claim within thirty (30) days of receipt of the documentation.

(e) **Fuel Adjustment.** Compensation payable to Contractor for all solid waste services hereunder shall be adjusted upward or downward monthly to reflect changes in fuel cost, and such adjustment shall be determined by referencing the peak weekly-published price per gallon from the United States Department of Energy Retail Rate

(\$/Gallon) identified in the "Total U.S. Average Retail Rate On Highway Diesel Prices" taken from the Energy Information Administration website (www.eia.doe.gov).

Section 11. REPRESENTATIONS AND WARRANTIES OF CONTRACTOR

Contractor makes the following representations and warranties:

11.1 **Organization, Power and Authority.** Contractor is a corporation duly organized, and validly existing under the laws of the State of Florida, with full corporate power and authority to enter into this Agreement and perform its obligations hereunder.

11.2 **Due Authorization; Binding Obligation.** The execution, delivery and performance of this Agreement and all other agreements contemplated hereby and the consummation of the transactions contemplated hereby, have been duly authorized by all necessary corporate action on the part of Contractor. This Agreement has been duly executed and delivered by Contractor and is a valued and binding obligation of Contractor enforceable in accordance with its terms.

Section 12. DEFAULT

In the event either party defaults in the performance of any obligations to be performed by it hereunder, the non-defaulting party shall give the other written notice of each default, specifying with particularity the default complained of. In the event that the defaulting party fails or refuses to cure each default, or to commence the cure of each default, within thirty (30) days from receipt of such notice, then the non-defaulting party may, at its option, sue for specific performance, sue for damages, terminate this Agreement, or otherwise pursue all its legal and available remedies.

Section 13. PERMITS AND LICENSES

Contractor shall obtain, at its own expense, all permits and licenses required by law or ordinance and maintain the same in full force and effect.

Section 14. INSURANCE REQUIREMENTS AND PERFORMANCE BOND

14.1 **Certificate.** During the life of this Agreement, Contractor shall procure and maintain insurance of the types and to the limits specified below. Contractor shall provide City with a certificate of insurance evidencing the required coverage and naming the City as an additional insured on all but the Workers' Compensation coverage. Cancellation of said insurance shall not be effected without thirty (30) days prior written notice to City. In the event of a cancellation of any insurance, Contractor shall replace, reinstate or otherwise procure insurance for the minimum limits as provided by this Agreement, to be effective no later than the effective date of said cancellation. Contractor shall require each of its subcontractors, if any are used, to procure and maintain, until completion of that subcontractor's services, insurance of the types and to the limits specified below, unless the subcontractor's work is covered by the protection afforded by Contractor's insurance. It shall be the responsibility of Contractor to ensure that all its subcontractors comply with all of the insurance requirements contained herein relating to such subcontractors.

Except as otherwise stated, the amounts and type of insurance shall conform to the following minimum requirements:

14.2 **Workers' Compensation.** Contractor shall provide and maintain during the life of this Agreement, at its own expense, Workers' Compensation Insurance coverage to apply for all employees for statutory limits in compliance with the applicable state and federal laws. In addition, the policy must include employers' liability insurance with a limit of \$100,000 each accident.

14.3 **Comprehensive General Liability.** Contractor shall provide and maintain during the life of the Agreement, at its own expense, Comprehensive General Liability and shall have City as additional

insured. Coverage must be afforded on a form no more restrictive than the latest edition of the Comprehensive General Liability Policy filed by the Insurance Services Office and must include:

Minimum limits of One Million Dollars per person/Two Million Dollars per occurrence combined for bodily injury liability and property damage liability

Premises, and/or operations. Independent contractors.
Products and/or completed operations.

14.4 Business Automobile Policy. Contractor shall provide and maintain during the life of the Agreement, at its own expense, Comprehensive Automobile Liability Insurance. Coverage must be afforded on a form no more restrictive than the latest edition of the Business Auto Policy filed by the Insurance Services Office and must include:

Minimum limits of \$1,000,000 bodily injury/\$500,000 property per occurrence.

Owned vehicles.
Hired and non-owned vehicles. Employer's non-ownership.


14.5 Contractor shall supply a performance bond in an amount not less than three (3) months of the accrued contract price, to insure a faithful performance and delivery of service.

Section 15. BOOKS AND RECORDS

The City shall have the right upon reasonable notice to inspect and review Contractor's books and records regarding Contractor's performance of services hereunder. The City shall maintain such records in a confidential manner to the extent permitted by law. The City shall have the right to have an annual audit, at the City's sole cost and expense, of Contractor's commercial services rendered under this Agreement performed by a Florida Certified Public Accountant of its choice, such audit may include a visual inspection of the services actually provided to each commercial customer. In the event the annual audit determines that Contractor was deficient in the payment of the previous four (4) quarterly franchise fees, the City shall notify Contractor of the deficiency and Contractor shall be liable for payment of such deficiency

Section 16. NOTICES

Notice sent certified mail return receipt requested to a party at its business address shown herein shall be sufficient notice whenever required for any purpose under the Agreement.

City of Belle Isle
1600 Nela Avenue
~~P.O. Box 593135~~ 
Orlando, FL 32809

Republic Services of Orlando
11255 Rocket Boulevard
Orlando, FL 32824

Section 17. INDEMNIFICATION

Contractor shall indemnify and hold harmless the City of Belle Isle and its employees, officers, attorneys, agents and contractors from and against all claims, losses, damages, personal injuries, or liability to the person or property (including reasonable attorney's fees through any and all administrative, trial, post-judgment, and appellate proceedings) directly arising from the Contractor's negligence or willful misconduct during its operations in the City of Belle Isle; except that Contractor shall have no duty to indemnify for the negligence or willful misconduct of the City or its employees, officers, attorneys, agents and contractors.

Section 18. SEVERABILITY

If any provisions of the Agreement shall be declared illegal, void or unenforceable, the other provisions shall not be affected but shall remain in full force and effect.

Section 19. COMMUNITY CLEANUP

The City may, from time to time, require special event or community cleanup services, not to exceed four (4) times per year. Contractor shall provide such services, within reason, which shall include personnel, equipment and disposal of materials at no charge to the City. Compensation to Contractor for additional services may be negotiated between Contractor and the City at any time during the term of this Agreement.

Section 20. CITY BUILDINGS OR PARKS

Contractor shall provide collection service to the following City facilities at no cost to the City: City Hall, the Police Department, Cornerstone Charter School, and the Maintenance Facility.

Section 21. COMPLAINTS

Contractor shall use its reasonable best efforts to resolve complaints on the same day as received, before 5:00 PM from the City or customer. Should a legitimate complaint go unresolved for forty-eight (48) hours after notification, Contractor shall pay to the City an administrative penalty of \$50.00 per day for each day that such complaint remains unresolved.

Section 22. HOUSE COUNT

Contractor shall cooperate with the City in the City's efforts to conduct annual house counts on Contractor's routes. Such counts shall be done in August or September of each year. Contractor shall allow a City employee to accompany Contractor to perform such counts, or the City and Contractor may agree upon another method to ensure correctness.

SECTION 23. GOVERNING LAW AND VENUE

This Agreement shall be construed and enforced in accordance with the laws of the State of Florida. In any dispute between the parties relating to this Agreement, exclusive jurisdiction shall be in the trial courts of Orange County, Florida.

SECTION 24. AMENDMENT

This Agreement may be modified or amended only by a written Agreement duly executed by the parties.

SECTION 25. ATTORNEYS' FEES

In any action to enforce the terms of this Agreement, the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs, including fees and costs for appeal.

SECTION 26. SUCCESSORS, ASSIGNS, AND CHANGES IN OWNERSHIP

This Agreement shall be binding upon the parties, their successors and assigns. Neither this Agreement nor any portion thereof shall be assigned except with the prior written consent of the City Council, which may be withheld for any reason. Any such consent will not be construed as making the City a party of or to such transfer or assignment of this Agreement. No assignment or subcontract shall, under any circumstances, relieve the Contractor of the liabilities and obligations under this Agreement.

SECTION 27. FORCE MAJEURE

If either the City or Contractor is prevented from performing its duties under this Agreement by circumstances beyond its control, including but not limited to fires, hurricanes, severe weather, floods, pandemics, quarantines, war, civil disturbances, acts of terrorism, labor disputes, acts of God, or significant threats of such circumstances, or any future laws, rules, regulations, orders, or acts of any local, state, or federal government ("Force Majeure"), then the affected party shall be excused from performance hereunder during the period of such disability. The party claiming Force Majeure shall promptly notify the other party in writing when it learns of the existence of a Force Majeure condition and when the Force Majeure condition has terminated. Notwithstanding anything in this Agreement to the contrary, the term Force Majeure does not include, and a party shall not be excused from performance under this Agreement for, events relating to increased costs, including, without limitation, increased costs of fuel, labor, insurance, or other expenses of performing the services hereunder; and no Force Majeure condition shall excuse the City from its obligation to make prompt payment of monies due and owing to Contractor.

SECTION 28. ENTIRETY

This Agreement and any exhibits attached hereto contain the entire Agreement between the parties as to the matters contained herein. Any oral representations or modifications concerning this Agreement shall be of no force and effect.

[Signatures on Following Page]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year above first written.

ATTEST:

By: [Signature]
Title: City Clerk 9/25/13

City of Belle Isle

By: [Signature] 9/25/13
Title: city manager

ATTEST:

By: [Signature]
Title: Admin Asst.

Republic Services of Florida GP, Inc.,
the General Partner of Republic Services
of Florida, Limited Partnership dba
Republic Services of Orlando

By: [Signature]
Title: Vice President

ATTACHMENT A

Monthly Unit Collection Rate	Residential Collection Services
\$12.07 per month per unit without disposal	\$ 15.40 per month per unit with disposal

Commercial Collection Services
Proposal rates for Commercial Solid Waste Service.
Hand load rate to include monthly hauling and disposal fees:

SIZE OF CONTAINER							
Pick ups per Week	64 gal.	90 gal.	2 cu. yd.	3 cu. yd.	4 cu.yd.	6 cu.yd.	8 cu.yd.
1x	\$ 18.12	\$ 18.12	\$ 66.91	\$ NA	\$ 117.26	\$ 170.97	\$ 216.40
2x	\$ 36.24	\$ 36.24	\$ 117.26	\$ NA	\$ 224.64	\$ 320.47	\$ 416.31
3x	\$ 54.35	\$ 54.35	\$ 169.31	\$ NA	\$ 328.73	\$ 501.20	\$ 647.73
4x	\$ 72.47	\$ 72.47	\$ 223.01	\$ NA	\$ 431.84	\$ 647.73	\$ 863.62
5x	\$ 90.59	\$ 90.59	\$ 269.88	\$ NA	\$ 539.77	\$ 809.47	\$ 1079.55
6x	\$ NA	\$ NA	\$ 323.84	\$ NA	\$ 647.73	\$ 971.59	\$ 1295.45
7x	\$ NA	\$ NA	\$ 377.84	\$ NA	\$ 734.48	\$ 1133.55	\$ 1511.38

Commercial Roll-Off Rates:

Container Size	Haul Rate	Container Rate	Disposal Charge
10 yd.	\$128.00	\$2.00 per day	\$33.60 per ton
20 yd.	\$131.00	\$2.00 per day	\$33.60 per ton
30 yd.	\$134.00	\$2.00 per day	\$33.60 per ton

ISSUE BRIEF

China's Changing Policies on Imported Recyclables

April 2018

Overview

The Recycling industry has been very successful at providing environmental benefits including diverting material from landfills, conserving natural resources, and reducing greenhouse gas emissions by displacing the use of raw materials. This success was accomplished through the combined efforts of both the public and private industry to collect, sort, bale and market the recyclables to their end-markets.

For years, China has been the single largest consumer of recyclable materials generated in the United States. In 2016, approximately 41% of paper recovered in North America was exported with about a quarter of recyclable paper exported to Chinese mills. Similarly, over 20% of post-consumer bottles and 33% of non-bottle rigid plastics from the U.S. were exported in 2015. The European Union exports over 95% of its plastic to China, and the US and the EU are the largest exporters of recovered paper into China. China consumed over 50% of the world's recycled paper and plastic in 2016.

Over the past year, China has taken a number of steps, including establishing bans and imposing strict quality standards, to restrict recyclable materials imported into China. These measures are already having significant impacts on recycling within the U.S., and the rest of the world. Because so much material had previously been absorbed by China, this decision leaves much of the material without sufficient end markets.

It may be some time before alternative markets can be developed to fully replace China. In the meantime, recyclers are struggling to manage recyclables in a manner that maintains current programs at economically viable levels.

Background

1. In February, as part of China's broader "National Sword" campaign, customs enforcement began a one-year crack down on illegal smuggling of "foreign waste."

2. On July 18, 2017, China notified the World Trade Association (WTO) of its intent to ban 24 materials from being imported. These include post-consumer plastic and mixed paper effective January 1, 2018.

3. On November 15, 2017, the Chinese announced a new quality standard for material limiting prohibitive to 0.5 percent. This requirement applies to all paper and paperboard materials, even those that are not banned (such as ONP or OCC) effective March 1, 2018.

4. On March 6, 2018, the Chinese Government announced a special action campaign entitled "Blue Sky 2018" focused on the banned materials. This campaign is targeted at cracking down on smuggling of the banned materials.

5. The China Council for International Cooperation on Environment and Development (CCICED) released a paper stating that a further stop to material imports will be in place by 2019. This international advisory body that includes some top Chinese officials signals that recycling restrictions from China may become tighter, not looser in the future.

Impact to U.S. Recycling

Higher costs and lower revenues:

- **Lower revenues due to depressed commodity prices.** The loss of the Chinese export markets has disrupted recyclable markets leading to lower revenues as some materials must be sold at significantly lower prices, sometimes even negative. As a result, the overall revenues from the combined recycling stream is depressed.
- **Higher processing costs.** In order to meet the new quality standards, MRFs are slowing down the lines and adding sorters. Processing at some facilities has been changed from negative sorts to positive sorts resulting in more effort to produce less salable material. These measures are reducing throughput and driving processing costs higher.
- **Higher transportation costs.** Regulatory requirements, a booming economy and a tight labor market already contributed to increased domestic freight costs. However, as material is diverted to international ports outside of China, shipping costs are also increasing as the backhaul advantage dissipates.

- **Higher capital costs.** To meet the higher quality standards, some MRFs are also accelerating and increasing capital expenditures.
- **Availability of outlets.** The ability of other markets, both domestic and the remaining Asian export market, to absorb all the recyclables have been severely strained. Some materials have not been able to find an economically viable end market. With few markets available, incidents of stockpiling (or landfilling) material have been reported.
- **Stockpiling issues.** Due to storage capacity issues, stockpiling is not a viable option. Warehousing is also an issue due to availability of space and costs of facilities. In either case, processed bales can deteriorate over time which creates unacceptable safety hazards and unmarketable recycled product.
- **Regional variations.** The impact varies by region and local markets across the country.
- **Development of new outlets.** With time, new outlets for markets are expected to develop. The timeline of new market development, however, is uncertain due to its dependence on establishing new facilities and infrastructure.
- **Review contracts.** Recycling requirements may need to be amended through force majeure provisions as this is a global situation. In addition, both recyclers and municipalities should review contracting provisions to ensure fair and equitable contracts. NWRA and SWANA worked together to develop a Joint Advisory on Designing Contracts for Processing of Municipal Recyclables along with two attachments. These documents should be utilized to inform future contracts.
- **Talk with regulators.** States may need to approve temporarily suspensions of recycling requirements where there is no market.

Communications Strategy

- **Develop a communication plan appropriate for your market area.** Make sure to be transparent in messaging providing clear information about the severity of the issue but avoid overstating it. Convey the commitment to working with customers and regulators. Provide recommendations on what should be recycled and how to minimize contamination.
- **Contact your state regulatory agency to ensure that they are aware of the issue.** Ensure key stakeholders know that we have been working at the federal level. Be careful in communicating the serious ramifications of this issue, while recognizing that there is significant uncertainty.
- **Consider engaging local industry groups to help with the messaging.** Work with your state's industry associations to convey a single message to cities "from the industry."
- **Communicate with transparency to your customers, and work to shore up the long-term benefits of recycling to reduce public backlash.** Although the U.S. exports a significant amount of recyclables, domestic markets do exist and may expand, perhaps as a direct result of China's actions.
- **This is a good time to develop and execute public education programs focused on quality.** Recycling the right materials correctly will help minimize the negative impacts of the current market constrictions. Work with local governments to focus messaging around recycled paper, cardboard, bottles and cans, and how to reduce contamination at the curb.

Actions to take

- **Ensure High Quality Recyclables -** High quality material is more likely to find a market. The new 0.5 percent prohibitives limit is far below any existing international standard. However, high quality material will be welcomed by both domestic and international markets. Focus on core recyclables to reduce contamination and avoid adding new products to the recyclable stream while trying to improve quality.
- **Work with the entire industry.** This is a global and an industry-wide issue, not a local or individual company issue. Our industry will benefit if we work together with city and state officials to develop solutions in the near term, and to work together for longer term solutions.
- **Communicate.** It is important to communicate with recycling partners to focus on quality and to develop solutions for your communities. See the communications strategy below for more suggestions.

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China announces import ban on an additional 32 scrap materials

Chinese government identifies 16 materials to be banned by the end of 2018, another 16 at the end of 2019.

April 19, 2018

Edited by Adam Redling and DeAnne Toto



C&D Commodities International Legislation and regulations

China's Ministry of Ecology and Environment (MEE) announced April 19, 2018, that China will ban imports of 32 types of scrap materials (which the MEE labels as "solid waste").

Sixteen materials, including scrap metals considered "Category 7" such as motors and wire and cable scrap, will be banned from import beginning Dec. 31, 2018, MEE says in an online announcement (in Chinese).

Another 16 types, including some forms of stainless steel scrap, will be banned beginning Dec. 31, 2019.

The full list of banned materials is available online (in English).

The new policies follow earlier announcements to prohibit 24 categories of recyclable materials beginning Jan. 1, 2018, and the imposition of tighter quality standards on all scrap imports beginning March 1, 2018.

China began importing secondary raw materials in the 1980s and subsequently grew to become the world's largest importer of recyclables.

The Chinese government began taking action to phase out such imports in 2017, citing environmental concerns. Many recyclers and policy analysts, however, sense protectionism in the moves, since China's government has indicated it is taking measures to replace the imports with domestic resources before the end of 2019.

Robin Wiener, president of the Institute of Scrap Recycling Industries (ISRI), Washington, will be in China in late April to obtain more information on the April 19 announcement and previous regulatory changes that came into effect earlier, the organization reports in an alert to its members issued April 19.

In a statement ISRI issued regarding the additional import bans, Wiener says: "The Chinese government's announcement will have an impact on more than 676,000 metric tons, worth about \$278 million, in U.S. scrap commodity exports to China in the first year and another 85,000 metric tons worth more than \$117 million in the second year. Although we anticipated more import restrictions would be announced, we remain concerned about the effect these policies have on the global supply chain of environmentally friendly, energy-saving scrap commodities and will instead promote an increased use of virgin materials in China, offsetting the government's intent to protect the environment."

ISRI members can direct their questions regarding China's actions to Adina Renee Adler, who is the organization's senior director of government relations and international affairs.

Plastics Recycling 2018: Beyond the ban

Panelists discuss the recycling landscape following China's import ban on postconsumer plastics.

February 28, 2018

DeAnne Toto



Commodities

Conferences & events

International

Legislation and regulations

Municipal Recycling

Pictured above, from left: Dylan de Thomas, Brent Bell, Pablo Leon and Hamilton Wen

Postconsumer plastic scrap has been a primary target of the import bans China has introduced this year. Additionally, import licenses for plastic scrap have been harder to come by, while import quotas have been reduced.

Panelists during the second plenary session, *China's Impact – The Ban and Beyond*, during *Plastics Recycling 2018* discussed the impact of China's actions on the plastics recycling industry. The event, organized by Resource Recycling, was Feb. 19-21 in Nashville, Tennessee.

"China is completely off the table," said Hamilton Wen, director of California-based Newport CH International's plastics division. As a result, the company's plastics brokerage business has experienced a "complete upheaval," he added.

While Newport CH is looking at other markets worldwide, sales come down to quality, he said. "It is no longer a seller's market. Now it is who has the best material."

Pablo Leon, Asia manager for the Spanish company Fosimpe SL, with operations in Shanghai, said China's actions should not have come as a surprise. "The bans have been rumored for some time."

However, Leon added that he believed that China has gone too far with its actions.

Brent Bell, vice president of recycling for Waste Management, Houston, said that 30 percent of the tons the company processes are exported, with the primary destination historically having been China.



In response to China's actions, the company has developed alternative markets in India, Southeast Asia and even the U.S. for the nearly 30 percent of its tonnage that was previously shipped primarily to China, he said.

Wen said Southeast Asia offered a tenuous alternative to shipping to China, however, citing problems at the ports in the region related to the "sheer amount of volume" being shipped. Additionally, he said he felt it was only a matter of time before these countries started to enact laws and procedures similar to those China has adopted.

Dylan de Thomas, vice president of industry collaboration with The Recycling Partnership, Falls Church, Virginia, agreed, saying, "Other countries are looking to China for what they want to do in the future."

Plastics Recycling 2018: Beyond the ban

He added, "I'm bullish on domestic capacity, personally."

De Thomas and Bell agreed that educating residents on what is and is not acceptable for recycling is an important factor, as it affects the degree of inbound material contamination material recovery facilities (MRFs) experience.

Bell said contamination rates of 0.5 percent, as China has specified for incoming plastic scrap shipments, will be difficult to achieve with 15 percent inbound contamination rates at MRFs.

Reducing contamination at the MRF hinges on resident education, which Bell said was a "hard exercise to go through" and that there are no "silver bullets" that can apply in all situations.

As a MRF operator, Bell said, it is important for WM to talk with the communities it serves to see if they still want their recycling programs to include recyclables that may have limited demand and value.

The changes in China's policies toward imported scrap have created real challenges for municipal programs, de Thomas said, with communities re-evaluating the materials their recycling programs accept.

While he said improving quality was a "big part" of the answer to the questions posed by China's recent actions, demand for recycled plastics also must increase.

Bell agreed, saying, "We need demand to exist to make the recycling system work."

To that end, WM is talking with companies about including recycled content in their products, he said.

While Bell said he supports China's effort to clean up its environment and have the material quality the country's consuming companies deserve, he would have liked to have seen a longer time frame for implementation of the government's changes to import policies.

Leon said he felt the Chinese government "may have gone too far," adding that "all the plastics they were receiving were not junk."

"There will be markets for low-grade plastics," Wen said. "They will take time to develop."

He continued, "This material has value. It will get recycled somewhere."

Material recovery facilities/MRFs

Plastic

COMMENTS

Recycling is in trouble — and it might be your fault

Paul Singer, USA TODAY Published 2:22 p.m. ET April 26, 2017 | Updated 2:34 p.m. ET April 28, 2017



(Photo: Jasper Colt, USA TODAY)



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Corrections and clarifications: A prior version of this story misidentified the city of Boulder City, Nev.

ELKRIDGE, Md. — If you are recycling at home, you are probably doing it wrong.

That is why a worker lunged to grab a garden hose off the conveyor belt at a Waste Management recycling facility here Wednesday before it got caught in a giant sorting machine. Such tangles frequently require the plant to stop the waste processing line and clean out the jaws by hand.

"Our contamination changes by the season," said Mike Taylor, the company's director of recycling operations here. Since it's spring, the facility is getting a lot of garden hoses. Around the holidays, they get broken strands of Christmas lights, another choking hazard for the sorting line. And all day every day there are plastic shopping bags (recyclable at a grocery store but not from a household), chunks of styrofoam, diapers, syringes, food-contaminated containers ... a nearly endless litany of things that residents throw into their curbside recycling carts figuring they are or ought to be recyclable. One worker grabs the remnants of a screen door off the sorting line while another snags a wire rack from a DIY shelving unit.

Many cities around the country will celebrate the 47th Earth Day on Saturday by highlighting their recycling programs, but the industry is grappling with a dual threat: The value of recovered waste products has plummeted over the past five years, and the amount of effort required to extract them has risen.

A study by Rob Taylor with the State Recycling Program in the North Carolina Department of Environmental Quality estimated that the average market value of a ton of mixed recyclable material arriving at a recovery facility in the state dropped from just over \$180 in early 2011 to less than \$80 at the end of 2015. That value has since rebounded a bit, Taylor found, to a little over \$100, but it still leaves the industry struggling to extract profit from the millions of tons of recyclable material Americans throw away every year.

There are a host of reasons for the decline in the recycling market, ranging from global trade policy to the decline in newspaper readership, said David Biderman, executive director and CEO of the Solid Waste Association of North America. Much of reclaimed American waste is shipped overseas, but China erected new limits on imported waste in 2013. In other nations, "there has been a decrease in demand for that material as growth rate in foreign countries has leveled off," Biderman said. Low oil prices have made it cheaper to produce new plastic bottles, so manufacturers don't have as much need for reclaimed plastic. In addition, packaging producers have figured out how to make bottles and cans thinner, so they don't need as much raw material.

And as the circulation for print newspapers has plummeted, the recycling industry has lost both a massive customer for reclaimed paper fiber and a huge source of incoming recyclable material.

Across the recycling industry, "what was once a valuable commodity five years ago is less valuable now," Biderman said.

The change is perhaps most dramatic for glass. In most American cities, the glass bottle you toss in the recycling cart is essentially worthless, and if it breaks, the shards may make the paper in a mixed cart worthless as well.

"We work hard to keep glass in the system because it is an iconic recycled item," said Keefe Harrison, CEO of the Recycling Partnership, a non-profit committed to improving recycling programs nationwide. But "it has very minimal market value because it has to compete with sand," which is the raw material glass is made from. Some municipalities have simply stopped collecting glass in their curbside recycling programs. Santa Fe overhauled its recycling program this month and said it would no longer collect glass from households. Residents are being asked to take their glass to four drop-off centers around the city.

The Elkridge facility sorts a lot of glass, Mike Taylor said, but it "doesn't add value" to the waste stream. "You can't move it long distances without paying hefty freight rates," Taylor said, so "it's a negative-value material for us at the processing facility by the time you separate it and then try to truck it three or four or five hundred miles to get it to a market."

Much reclaimed glass ends ground into a kind of gravel that can be used in road construction or other industrial projects.

When cities launched recycling programs in the 1980s and 1990s, the theory was that the revenue from the recovered materials would offset the costs of collecting and separating the waste, but it hasn't worked out that way. Kevin Miller, recycling manager for the city of Napa, Calif., said "we get back about 20%" of the costs of collecting, sorting and shipping materials.

Miller and environmental advocates point out that recycling has other economic benefits, such as reducing the use and cost of landfills and reducing the need for harvesting virgin materials.

But the burden of paying for it falls on cities — or residents who pay for the trash service — because the U.S. has not followed the path of many European countries of requiring manufacturers to take responsibility for the disposal or recovery of their products and packaging.

For example, syringes are a major hazard for workers sorting recyclables on the conveyor belts at facilities around the country, said Heidi Sanborn, executive director of the National Stewardship Action Council. But she said in Ontario, Canada, prescriptions for injections come with a return package. "When you get a needle prescription, they hand you a safe-return container," she said. When the syringes are empty, "you bring back your full container of needles (to the pharmacy), they put it in the back in a bin" and a specialty waste contractor picks them up for proper disposal.

Short of take-back programs like that, American cities are taking a variety of steps to address the costs of maintaining their recycling programs. Working with Waste Management, the city of Berwyn, Ill., launched an education program at the beginning of April called "Recycle Often, Recycle Right," which begins with fliers and outreach efforts to educate residents on what should and should not go in their recycling carts. By the end of the month, collectors will refuse to pick up carts that are filled with trash or other contaminants.

People trust science. So why don't they believe it?

"It's all about education," said Assistant City Administrator Ruth Volbre. "People are willing to go ahead with it, they just need the information."

Des Moines has begun "curbside audits," and recycling bins filled with non-recyclable items will not be picked up. "We've had two years in a row of record amounts of recyclables," Public Works Director Jonathan Gano told the city council, according to *The Des Moines Register*. "But we have record amounts of trash going into the recycling bins."

This is problem nationwide, Biderman said. "Ten or 15 years ago, to increase recycling rates, we wanted to make it as easy as possible for Americans to recycle so we told them to put it one big bin," he said. So people are putting everything they think could — or should — be recycled into the bins. "We have a lot of aspirational recyclers," Biderman said. "Contamination rates at recycling facilities have increased significantly over the past five years."

Harrison said her group worked with Lowell, Mass., to send people into the streets to check recycling bins and leave "Oops" tags for residents to explain what materials they should not have dropped there.

But in some places, education is not enough, and local officials are raising fees to offset the reduced value of recovered commodities. Ocala, Fla., approved a rate increase for its recycling program last month and Boulder City, Nev., has begun taking steps that could result in a fee increase there as well. Sioux Falls, S.D. raised hauling fees largely to cover the cost of handling glass, and Pendelton, Ore., raised its garbage fees in part because recycling revenues have dropped.

RECYCLED MATERIAL LOSES VALUE

Value of an average ton of recyclable material at a North Carolina sorting facility from spring 2011 to winter 2016-17:



SOURCE North Carolina Department of Environmental Quality
George Petras, USA TODAY

USA TODAY

Refreshing the Concept of Recycling

We need to decide what recyclables are and learn how to best use them.

Chaz Miller | Feb 28, 2018



Why do you recycle? If you are like most people, you will give a number of reasons. “It’s the right thing to do,” “saving natural resources,” “improving the environment” and “saving landfill space” are among the most commonly cited reasons.

Advocates also talk about job creation and diverting material from all kinds of disposal.



But perhaps a more important question is why do state legislators pass recycling laws? They will cite the reasons given above when debating legislation, but their laws are usually focused on either increasing the state’s recycling rate or diverting materials from disposal. They rarely take a look at what, exactly, recyclables are or at how much we can realistically recycle. Instead, they pass the law and leave it up to others to figure out how to get to Paradise. We haven’t gotten there yet.

We need to take a different approach. First, we need to decide what recyclables are. Then, we need to learn how to best use them.

So, what are “recyclables”? They are a raw material. Nothing more, nothing less. They only have value if a manufacturer can use them as raw materials. Otherwise, they are useless. Unfortunately, the recycling laws in most states look at recyclables as numbers. As something to be diverted from disposal or to be recycled with little thought about the impact of the law on supplying raw materials or improving the environment. This has led to the passage of higher and higher recycling goals that have little to do with the reality of using these potential raw materials.

In our frenzy to meet these higher goals, we keep expanding what is accepted into our recycling programs. We add a product here and a package there, most of which constitute only a very small part of the waste stream. Every time we add a new item, we create confusion about what belongs in the recycling bin. We make it harder to recycle, not easier. Worse yet, we get a little further away from the goal of creating raw materials.



Be honest, do you know absolutely for sure what goes into your recycling bin and what doesn't? I think I am relatively knowledgeable about recycling, yet I often have to check my county's list of "ins" and "outs" to be certain. Even when I check the county's website and look at the list, I am not always certain. And I live in a county with a very good recycling program and solid public education.

The good news is that some states are taking a fresh look at recycling. They are raising questions regarding why they recycle, what their goals should be and how they can have the most positive impact on the environment through recycling.

The U.S. Environmental Protection Agency (EPA) led the way with its publications on sustainable materials management. Then, the State of Oregon stepped up to the plate and adopted sustainable materials management as its new strategy. Recycling and composting are part of the solution, but they are not the only part. Source reduction and avoiding waste have a real seat at the table, not just lip service. An ever-higher recycling goal has been replaced with the idea of figuring out how to best conserve materials and reduce pollution. My home state of Maryland has also adopted this concept. I expect other states will follow the lead of the EPA and the state of Oregon.

Let's start taking a closer look at the purpose of recycling. Let's put more emphasis on protecting the environment and less on who can set the highest goals. Let's figure out what recycling can realistically achieve and how. Then, let's go out and do it.

Chaz Miller is a longtime veteran of the waste and recycling industry. He can be reached at chazmiller9@gmail.com.

Bellevue grants Republic Services permission to landfill large quantities of paper

Poor recycling habit means paper from Bellevue can't be sent to China for reuse.

By Aaron Kunkler

Thursday, April 5, 2018 8:30am | **NEWS**



Stricter regulations for importing recyclables to China has caught up to one of Puget Sound's largest waste management companies.

Republic Services collects waste and recycling for Eastside communities that include Bellevue, Kenmore, Mercer Island, North Bend and Sammamish. The city of Bellevue has approved a request from the company to send mixed paper collected through April 20 to the landfill.

More than half of the 1,000 tons of mixed paper collected in Bellevue cannot be sent to China due to contamination.

This decision stems from regulations recently imposed by China, which implemented a 0.5 percent contamination limit on mixed paper. This has led to mixed paper accumulating at Republic Services' collection facility and creating a potential public health hazard.

Bellevue Utilities spokesperson Michael May said the city's decision was a recognition that the Chinese recycling market had essentially been closed. As a condition of allowing the waste management service to landfill mixed paper, which includes items like magazines, letters and other paper products, Republic Services must seek out an alternative buyer for recycled goods.

Republic Services is also changing how it sorts recycled materials by slowing processing lines, adding employees and improving optical sorting equipment with the goal of hitting the 0.5 percent contamination mark. May said the new regulations have been effecting not only Bellevue, but the whole West Coast recycling industry.

Contamination comes in many forms, ranging from uncleaned spaghetti cans to water damage. If recycling material is rained on, it is considered contaminated as well.

May stressed the importance of properly recycling materials, namely cleaning, emptying and drying recyclables.

"Just recycle right, if in doubt throw it out," he said. "Don't just put anything in there and I think that's a lot of it, people can do more harm in their recycling."

China has historically been one of the largest importers of recycled material, but announced it would be severely restricting imports of recycled material last summer. This has sent the world's recycling industry scrambling as it seeks out alternative ways to unload the materials.

Republic Services has found other markets for recyclables such as cardboard, tin, glass and aluminum, according to Bellevue's website. Food scraps and yard debris are processed into compost and sold locally.

Residents should continue to place mixed paper into recycling bins but make sure to sort it.

**Belle Isle Issues Log
6/5/2018**

<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	4/30/2018	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	Need to purchase materials and build system.
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	9/30/2018	CM met with neighbors to go over plan. Neighbors will review plan as a group and then present their comments to City.	Another change to contract documents , so approval is delayed until June Meeting
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	Paving of Windsor Place, Lake Conway East, Venetian, Peninsula, and McCawley completed.	CM to consider change in the Scope of the Project to look at curb replacement
Storm Drainage	Several individual projects are being looked at to complete. St. Partens, McCawley Ct., Swann Beach, 3101 Trentwood.	4/3/2017	PW/ENG	5/31/2018	City Manager determined areas that need to have a priority of work for stormwater fixes. Working with the Engineer to address these areas	LCS Project to begin. Construction plans being developed for St. Partins, Wind Drift, Nela Ave. Projects may be delayed to next budget year.
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 chicane. Focus is on Transportation Master Plan	Repair of chicane is being reviewed. Community Meeting on Transportation Master Plan scheduled for June 21, 2018 at City Hall.
Fountain at Nela/Overlook	Council approved funding to convert the planter at Nela/Overlook to a fountain.	4/3/2017	CM	8/31/2018	Contacting fountain installers for quotes. Art work to be contest for residents. Initial Quotes received were for \$75K and \$51K without art work.	G'Werks to do fountain. Centerpiece is being shipped. Should see demo of roundabout soon.
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	Next year budget item

**Belle Isle Issues Log
6/5/2018**

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 instsalled. Zoning change in progress. Agreement for CCA use of the field being reviewed by school. Trees planted as part of Arbor Day Celebration.	Next step is for Council to determine what else (if anything) should be done to Wallace Field (example: community gardens). Possible workshop or community survey for direction.
Perkins Boat Ramps	Council discussed issues at June 14 meeting for Perkins ramp . Rules need to be put in place according to Ordinance 18-20. Perkins also needs to be upgrade with new fencing, ramp construction and road and dock construction. New drainage also needs to be installed. Council allocated \$38,.000 to drainage.	4/3/2017	CM	12/31/2017	Closure level agreed upon. New sign is at sign maker. Fencing is delayed due to lack of materials (wood). Starting the process to complete other issues (drainage, fill in the void at end of the ramp, wheel stops on ramp, trailer parking). New fence at Perkins Ramp.	Dock is completed. Gauge and ramp markers are in place. Void at end of ramp filled and wheel blocks are in place. Weather delayed driveway improvements.
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.	Working on purchase of Cross Lake. Waiting on appraisal. Should we do a Phase 1 environmental based on assumption it could have an old drain field.
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	Once CFP is developed, then a joint agreement will be developed outlining which entity is responsible for maintenance costs.	Capital Facility Plan complete. HVAC contract signed. CCA considering purchase of property. Roofing Contracotrs are providing cost for roof replacement or repair. Letter was sent to CCA Board asking for joint meeting and other Board issues
Short Term Rental	Council discussed short term rentals and directed staff prepare paper for April 17 Meeting	3/20/2018	CM	8/31/2018	Staff is preparing information on short term rentals.	Agenda item for June 15.

Belle Isle Issues Log
6/5/2018

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/CM	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.	Need guidance from council on when they want to do planning.
Bird Sanctuary Designation	The City has an ordinance designating Belle Isle as a Bird Sanctuary; however it is not recognized by the state (FWC). In speaking with the FWC Regional Director, the city has not applied for the designation IAW Florida Statutes. The Council would like to have BI recognized as a bird sanctuary hoping that it will protect many of the birds that call Lake Conway home.	4/3/2017	CM	12/31/2017	Application completed per Florida Statutes and sent to FWC for consideration at FWC January Meeting. New ordinance adopted IAW FWC guidelines and FAL 68a-19.002	Appeal in progress. FWC to discuss options with City. On-going
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.	It was determined that no code revisions have been completed. In progress
Comp Plan Updates	The comp plan is reviewed every 7 years to see if it needs to be updated. The City Council contracted with a planner to update the comprehensive plan. In March, the consultant told the Council that the plan is up to date and no changes are necessary. CM believes that changes are needed. They could be made anytime.	3/1/2017	Council Planner CM	Ongoing	Meet with consultant to determine what was done and what is left to do.	Any changes should go to P&Z Board for recommendation to Council. No changes were made. Comp Plan review started by CM

Belle Isle Issues Log
6/5/2018

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 to determine the priority to annex especially with the establishment of the Pine Castle Urban Center on S. Orange Ave. CA provided information to Council on annexation. Workshop should be scheduled to discuss	Workshop held on 1/11/18. Council discussion at February meeting. Staff reviewed documents. Report is being scheduled for June Meeting
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)	Duke starting to install LED lights. Looking into feassibility of getting solar for BIPD
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 and the processes involved in tree care, removal, and protection.	11/21/2017	CM Tree Board	3/31/2018	Tree Advisory Board to review current tree ordinances and processes for tree care, removal and protection. Arbor Day held. See AAR in Council Packet	Tree ordinance back to Tree Board for further changes. Tree City application submitted. City received 12 free fruit trees for planting