



CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Held in City Hall Chambers 1600 Nela Avenue, Belle Isle, FL 32809

Held the 1st and 3rd Tuesday of Every Month

Tuesday, February 01, 2022 * 6:30 PM

AGENDA

City Council Commissioners

Nicholas Fouraker, Mayor

Vice Mayor, District 6 Commissioner – Jim Partin

District 1 Commissioner – Ed Gold | District 2 Commissioner – Anthony Carugno | District 3 Commissioner – Karl Shuck

District 4 Commissioner – Randy Holihan | District 5 Commissioner – Beth Lowell | District 7 Commissioner – Sue Nielsen

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 website at www.belleislefl.gov. If you are not on the agenda, please complete the yellow "Request to Speak" form to be handed to the City Clerk. When the Mayor recognizes you, state your name and address and direct all remarks to the Council as a body and not individual council members, staff, or audience. The Council is pleased to hear relevant comments and has set a three-minute limit. Rosenberg's Rules of Order guide the conduct of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent, or slanderous remarks are not permitted. Please silence all technology during the session. Thank you for participating in your City Government.

1. **Call to Order and Confirmation of Quorum**
2. **Invocation and Pledge to Flag - Commissioner Holihan, District 4**
3. **Consent Items** - These items are considered routine and have been previously discussed by the Council. One motion will adopt them unless a Council member requests before the vote on the motion to have an item removed from the consent agenda and considered separately. Any item removed from the Consent Agenda would be considered for consideration following the remainder of the Consent Agenda.
 - a. Approval of the City Council minutes - January 18, 2022
 - b. Approval of Proclamation: Pioneer Days (Feb 26th & 27th)
4. **Citizen's Comments - Persons desiring to address the Council MUST complete and provide 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, 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 following the meeting date. Order and decorum will be preserved at all meetings. Personal, impertinent, or slanderous remarks are not permitted. Thank you.
5. **Unfinished Business**
 - a. **Approval of Resolution 22-09** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, APPROVING A CHANGE TO THE REFERENDUM DATE AND APPROVING A BALLOT QUESTION AND SUMMARY FOR THE ANNEXATION REFERENDUM REQUIRED BY ORDINANCE 22-01 CONCERNING THE ANNEXATION OF SIENNA PLACE CONDOMINIUM AND PROVIDING FOR AN EFFECTIVE DATE.
 - b. **ORDINANCE NO. 21-15: SECOND READING AND ADOPTION** - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, REPEALING ARTICLE VII OF CHAPTER 46 OF THE CITY'S LAND DEVELOPMENT CODE PERTAINING TO ROAD IMPACT FEES AND REPLACING SAME WITH NEW ARTICLE VII OF CHAPTER 46 OF THE LAND DEVELOPMENT CODE PERTAINING TO IMPACT FEES, THEREBY CREATING AND IMPOSING A NEW SYSTEM OF IMPACT FEES TO BE IMPOSED UPON DEVELOPMENT WITHIN THE CITY LIMITS; CREATING A NEW IMPACT FEE PROGRAM AND ADOPTING RELATED PROVISIONS PERTAINING TO THE ADMINISTRATION AND ENFORCEMENT THEREOF; ADOPTING AN IMPACT FEE STUDY IN SUPPORT OF IMPACT FEES IMPOSED; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE. Effective date of March 1, 2022.
 - c. ORD 22-02 Noise and Light: Second Reading and Adoption
6. **New Business**
 - a. **Approval of Resolution 22-08** - Orange County Local Mitigation Strategy Resolution

"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 2

- [b.](#) Consider approval of Swann Deck Addition
 - [c.](#) Approve the donation of Edison Hammam for the purchase of two additional speed machines for the BIPD
- 7. Attorney's Report**
- 8. City Manager's Report**
 - [a.](#) Issues Log
 - b. Chief's Report
 - c. Public Works Report
- 9. Mayor's Report**
- 10. Items from Council**
 - [a.](#) City Council Discussion Handouts
- 11. Adjournment**



CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Tuesday, January 18, 2022, * 6:30 pm
MINUTES

Present was:

- Nicholas Fouraker, Mayor
- District 1 Commissioner – Ed Gold
- District 2 Commissioner – Anthony Carugno
- District 3 Commissioner – Karl Shuck
- District 4 Commissioner – Randy Holihan
- District 5 Commissioner – Beth Lowell
- District 6 Commissioner – Jim Partin
- District 7 Commissioner – Sue Nielsen

Absent was:

Call to Order and Confirmation of Quorum

Vice Mayor Partin called the meeting to order at 6:30 pm, and the Clerk confirmed quorum. Also present were Attorney Langley, City Manager Francis, Chief Houston, Deputy Chief Grimm, and City Clerk Yolanda Quiceno.

Invocation and Pledge to Flag - Commissioner Jim Partin, District 6

Vice Mayor Partin gave the invocation and led the Pledge to the Flag. Vice Mayor Partin stated that the Mayor and Comm Shuck are at a Community Meeting at Oakridge High School with Orange County Commissioner Myra Uribe. The meeting addresses concerns affecting the City of Belle Isle and may attend later in the evening.

Consent Items – None.

- a. Resolution 22-01: A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AUTHORIZING COUNCIL MEMBERS AND THE MAYOR AS SIGNATORIES ON THE CITY CHECKING ACCOUNTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.
- b. Monthly Reports-December 2021: Red Light Camera, BIPD Case Log, NAV Board Report, and Fire Unit Responses

Comm Holihan moved to approve the consent agenda items as presented.

Comm Nielsen seconded the motion, which passed unanimously 6:0.

Citizen's Comments

Vice Mayor Partin opened for citizen comments.

- Adam McGinnis, Belle Isle resident, shared his concerns about the ongoing overgrown brush and garbage pickup issues. He said that his trash had not been picked up in about 2-weeks. Mr. McGinnis said nothing has changed from the last meeting he attended in November. He stated that the plants on the north side keep growing, structures and furniture are still 25 feet in the right of way. He has had conversations with the trash company, and they said they would not be driving down the road to pick up trash because of the overgrown brush, and if the cans are in front of his home, they are not visible for pick up by the workers. The City cut some of the brush and removed two posts on the other side of the street. However, nothing has been removed from his side of the road. He said he could not place his garbage cans to the south of the right of way, per the City, and asked for assistance to correct this issue.
 - Comm Nielsen asked why the brush had not been cleared when the resident asked in November. Derreck Adkins said staff trimmed the palm trees and increased the area for the trash truck to pass to the east of the property.
 - City Manager Francis said he could leave his cans for pick up on the south of the right of way; he can't leave them there once the trash is picked up. The City has trimmed the palm trees, and the neighbor said she would remove her furniture and pots once the trimming is completed. Mr. McGinnis asked why he couldn't leave it in front of his house like everyone else.
 - Comm Carugno shared his concerns and said that this is a case of a disagreement with two neighbors, and the City is in the middle. Comm Carugno stated that he receives complaints regarding Mr. McGinnis's numerous cars, a boat, and garbage cans parked in front of the park.
 - Mr. McGinnis stated that he does not have any issues with his neighbors. He has come to the Council to share his concerns and would like the Council to commit to seeing that this issue is corrected.

**Comm Nielsen made a motion to have the City commit to responding to the request within a week.
The motion failed for lack of a second**

Comm Gold said the City is obligated to have the contractor fulfill their duties per contract, and removing vegetation is a secondary issue.

Vice Mayor Partin said the Council would provide the City Manager with direction to move forward.

Unfinished Business

- a. **Ordinance 21-16 - Second Reading and Adoption:** AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, CREATING A NEW CHAPTER 17, CITY OF BELLE ISLE CODE OF ORDINANCES ESTABLISHING REQUIREMENTS FOR A PROPERTY ASSESSED CLEAN ENERGY PROGRAM ("PACE"); PROVIDING FOR MULTIPLE, NON-EXCLUSIVE PACE PROGRAMS IN ORDER TO ALLOW FOR THIRD-PARTY ADMINISTRATORS TO ADMINISTER THE PACE PROGRAM WITHIN THE CITY PURSUANT TO STATE LAW AND THE REQUIREMENTS SET BY THE CITY; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

City Manager Francis read Ordinance 21-16 by title.

Mr. Francis said the Ordinance would be corrected as follows,

Section 17-5(b)(2) reads, "The ~~30~~-day right to cancel the financing;"

Section 17-5(b)(2) should read, "The 3-day right to cancel the financing;"

Vice Mayor Partin opened for public comment.

- o Jennifer Suarez, Regional Government Affairs Director of Renew Financial, residing in Miami, Florida, favors the Ordinance and answers any questions.

Comm Holihan moved to adopt Ordinance 21-16.

Comm Gold seconded the motion, which passed unanimously upon roll call 6:0.

- b. **Approval of Resolutions 22-03, 22-04, 22-05 and 22-06**

RES 22-03: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, APPROVING A PARTY MEMBERSHIP AGREEMENT AND ITS INCORPORATED INTERLOCAL AGREEMENT IN ORDER TO JOIN THE FLORIDA GREEN FINANCE AUTHORITY'S PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM UNDER SECTION 163.08, FLORIDA STATUTES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Francis read Resolution 22-03 by title.

As presented, Comm Nielsen moved to adopt Resolutions 22-03, 22-04, 22-05, and 22-06.

Comm Lowell seconded the motion, which passed unanimously upon roll call 6:0.

RES 22-04: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, APPROVING A PARTY MEMBERSHIP AGREEMENT AND ITS INCORPORATED INTERLOCAL AGREEMENT, IN ORDER TO JOIN THE FLORIDARESILIENCY AND ENERGY DISTRICT'S PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM UNDER SECTION 163.08, FLORIDA STATUTES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

RES 22-05: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, APPROVING A MEMBERSHIP AGREEMENT AND ITS INCORPORATED INTERLOCAL AGREEMENT, IN ORDER TO JOIN THE GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) DISTRICT UNDER SECTION 163.08, FLORIDA STATUTES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

RES 22-06: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, APPROVING A NON-EXCLUSIVE INTERLOCAL SUBSCRIPTION AGREEMENT, IN ORDER TO JOIN THE FLORIDA PACE FUNDING AGENCY PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM UNDER SECTION 163.08, FLORIDA STATUTES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Francis read Resolution 22-04, 22-05, and 22-06 by title.

As presented, Comm Nielsen moved to adopt Resolutions 22-03, 22-04, 22-05 and 22-06.

Comm Holihan seconded the motion, which passed unanimously upon roll call 6:0.

- c. **Ordinance 22-01 Second Reading and Adoption:** AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, RELATED TO ANNEXATION; MAKING CERTAIN FINDINGS AND PROPOSING TO ANNEX THAT CERTAIN PROPERTY KNOWN AS SIENNA PLACE CONDOMINIUM CONSISTING OF ONE HUNDRED AND SIXTY-EIGHT (168) INDIVIDUAL CONDO UNITS AND THE COMMON ELEMENTS DESCRIBED IN THAT CERTAIN DECLARATION OF CONDOMINIUM RECORDED AT BOOK 0841, PAGE 1959-2091, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND GENERALLY LOCATED ADJACENT TO AND WEST OF SOUTH CONWAY ROAD, EAST OF THE EAST LINE OF LAKE CONWAY ESTATES SECTION SIX, AS RECORDED IN PLAT BOOK "Z" PAGE 17 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SOUTH OF THE SOUTH LINE OF LAKE CONWAY WOODS AS RECORDED IN PLAT BOOK 4 PAGES 41-42 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND NORTH OF HOFFER AVENUE; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY OF BELLE ISLE JURISDICTION OVER SAID PROPERTY; CALLING FOR A REFERENDUM TO BE HELD FOR ELECTOR APPROVAL OF THE ANNEXATION FOR ELECTORS RESIDED IN THE ANNEXED AREA; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

City Manager Francis read Ordinance 22-01 by title.
Comm Gold moved to adopt Ordinance 22-01.
Comm Lowell seconded the motion, which passed unanimously upon roll call 6:0.

- d. **Approval of RESOLUTION 22-07 -** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, APPROVING A BALLOT QUESTION AND SUMMARY FOR THE ANNEXATION REFERENDUM REQUIRED BY ORDINANCE 22-01 CONCERNING THE ANNEXATION OF SIENNA PLACE CONDOMINIUM; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Francis read Resolution 22-07 by title.
Comm Gold moved to adopt Ordinance 22-07.
Comm Lowell seconded the motion, which passed unanimously upon roll call 6:0.

- e. **Discussion of issues regarding Ordinance 21-15 -** AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, REPEALING ARTICLE VII OF CHAPTER 46 OF THE CITY'S LAND DEVELOPMENT CODE PERTAINING TO ROAD IMPACT FEES AND REPLACING SAME WITH NEW ARTICLE VII OF CHAPTER 46 OF THE LAND DEVELOPMENT CODE PERTAINING TO IMPACT FEES, THEREBY CREATING AND IMPOSING A NEW SYSTEM OF IMPACT FEES TO BE IMPOSED UPON DEVELOPMENT WITHIN THE CITY LIMITS; CREATING A NEW IMPACT FEE PROGRAM AND ADOPTING RELATED PROVISIONS PERTAINING TO THE ADMINISTRATION AND ENFORCEMENT THEREOF; ADOPTING AN IMPACT FEE STUDY IN SUPPORT OF IMPACT FEES IMPOSED; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

City Manager Francis said in December 2021, before the second reading and adoption, the Council wanted to have a couple of questions answered. City Manager Francis read the questions and responded to the 4-questions in a memo dated January 18, 2022, for a second reading and effective date in March.

Questions related to Impact Fee Ordinance:

- Question 1: Why can't the developer receive a credit if the proposed development or redevelopment results in a lower impact generating development? Section 46-193 (d) prevents this.
- Question 2: Why can't impact fees offset if the developer pays for the off-site development? Section 46-195 doesn't allow for this.
- Question 3: When is the payment of impact fees due? It doesn't specifically say when; it just says that it can't be paid prior to issuing a building permit, so it's assumed at the time the permits are paid for.
- Question 4: What is General Government?

Comm Holihan said he and the City Manager have reviewed and discussed the questions and believe this is good for the City.

There being no further discussion, Comm Nielsen moved to have the Ordinance read for a second reading in February for an effective date in March.
Comm Lowell seconded the motion, which passed unanimously 6:0.

New Business

- a. **Ordinance 22-02 - First Reading and Consideration:** Code Changes to Noise and Light Pollution: AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 10, ARTICLE III SECTION OF THE BELLE ISLE CODE OF ORDINANCES REGULATING NOISE AND LIGHT POLLUTION; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND THE EFFECTIVE DATE OF THIS ORDINANCE.

City Manager Francis read Ordinance 22-02 by title.

Comm Nielsen asked for clarification on the definition of property lines.

Comm Lowell moved to advance Ordinance 22-02 to a second reading at the February 1, 2022, City Council meeting.

Comm Nielsen seconded the motion, which passed unanimously 6:0.

- b. Resolution 22-02 Declaring Surplus Property:** A RESOLUTION DECLARING SURPLUS CERTAIN CITY PROPERTY AND DIRECTING THE CITY MANAGER TO DISPOSE OF THE PROPERTY.

City Manager Francis read Resolution 22-02 by title.

The City has not declared the Lancaster house as surplus property, and this Ordinance will officially declare the Lancaster House as surplus property with an estimated value of \$1.00.

Comm Gold moved to approve Resolution 22-02.

Comm Holihan seconded the motion, which passed unanimously 6:0 upon roll call.

- c. Agreement to move Lancaster House**

At the last Council meeting, Kimberly Stevens and Elizabeth Frazier discussed their interest in the Lancaster House. Since that time, they emailed the City saying that they would not save the home because the cost has gone up so substantially. Mr. Francis said they are aware of their first right of refusal. In addition, they are aware of the unknown risks and will incur inherent risks. Mr. Francis said the Council has two options, demolish the house or allow Pioneer Days to present to Cornerstone Charter Academy Board and receive approval to sublet the property. Discussion ensued.

Comm Gold asked if Ms. Stevens was not aware of the cost differences. Mr. Francis said he told them that the March 1 date is negotiable. According to their email to the City, there are many spiraling costs, and they opt out of the move. For the record, Mr. Francis read the email received on January 18, 2022.

Comm Nielsen asked if it would be wise to get a written agreement to clear everyone before moving forward. Attorney Langley said the City is not required to have an agreement with Ms. Stevens to dispose of the property. The email serves the purpose that the move of the house doesn't work for them. In addition, Comm Nielsen said she would like the City to contact Billy Morgan and let him know what has transpired to see if they are still willing to update the home and present their plan in February to Council. Discussion ensued.

Mr. Francis said, with Council approval, he can contact Pioneer Days to contact the CCA Board about subletting the home at the January 26th meeting.

- d. Appointment of Canvassing Board**

According to Section 8.11 of the City Code, the City Council must designate a member for the canvassing board for the March 8th election.

Comm Gold moved to nominate Comm Nielsen for the canvassing board.

Comm Holihan seconded the motion, which passed unanimously 6:0.

- e. Donation Request - CCA Febtoberfest**

Comm Nielsen moved to donate \$175 Silver sponsorship for the Febtoberfest Event.

Comm Gold seconded the motion, which passed unanimously 6:0.

After further discussion, Comm Gold moved to augment the cost to a Gold sponsorship for an additional \$175 with a total of \$350.

Comm Carugno seconded the motion, which passed 4:2 with Comm Nielsen and Comm Lowell, nay.

- 8. Attorney's Report – No report.**

Mayor Fouraker and Comm Shuck joined the meeting.

- 9. City Manager's Report**

- a. Issues Log**

City Manager presented the Issues Log dated 1/18/2022. Mr. Francis said moving forward, and he would have Derreck summarize some of the open projects in Public Works.

- Traffic Issues: In addition to the next steps on the issues log, he asked the County, after speaking with some residents, to look at placing a crossing on Avocado and Hoffner instead of Peninsular/Hoffner.
- P&Z Meeting – At the next P&Z meeting, there is a variance request from an applicant on Gibson requesting to redo the boathouse with enclosed walls.
- New City Zip Code: Mr. Francis requested that the item be deleted if the Council takes no further action.

b. Chief's Report

Chief Houston announced a couple of officers out with COVID and impacting staffing. Chief Houston announced a new hire, Raquel Lozano, as the PD Administrative Assistant.

Deputy Chief Grimm provided and gave a brief breakdown of the 2021 Crime Reporting.

b. Public Works Report

Derreck Adkins provided a list and gave an overview of the open Public Works projects as follows,

- Sol Road Repair – Revamped the plans and will be resubmitted for bid.
- Street Paving – 8 streets that will be milled – South/North of Nela
- Swan Beach Deck – Awarded the contract. Looking to add 600 sq ft and will bring it forward for approval
- Sidewalk Repairs – 25,000 budgets – Oak Island repair will be a total of 17,000. Mr. Francis said under the municipal code (Chapter 10), residents are responsible for their sidewalks. Mr. Francis said Council would have to decide moving forward to have staff enforce the code or eliminate it from the code and have the City pick up all sidewalk repairs by passing a non-ad Valorem assessment.
- Cross Lake – Currently in the design stage for a total road rebuilt of the intersection by Oak Island Road. Mr. Adkins said it might affect the project discussed earlier with Mr. McGinnis.

10. Mayor's Report

- Mayor Fouraker reported that the Orange County (OC) meeting was well attended. OC provided many explanations on the technical reasons for the noise issues from the Cervesa House and Casa Vieja.; however, there is not much about solutions regarding resident noise concerns, 28- parking spaces, port-a-lets, and open dumpster. He applauded Comm Mayra Uribe for holding the meeting and continues pushing to hold everyone accountable. If Belle Residents want to report light/noise complaints, they should call the Orange County Sheriff's office, and Belle Isle PD will call for a Deputy to take the complaint.
- Community Events –Pinecastle Chili Cook-off – 11 am-2 pm at Fish on Fire
- City Manager Evaluations have been submitted, and Mayor Fouraker asked for confirmation of a Special Meeting. Council consensus was to schedule a special session on January 27, 2022, at 6:00 pm.
- Mayor Fouraker gave a summary of the ANAC meeting. They discussed refining the alert process for our residents for better transparency and random compliance testing.

11. Items from Council

Comm Gold said MSTU's is a good tool for paying for sidewalks. Some residents posted a 15 mph speed limit in our City and would like to know if they can be placed in his district. City Manager Francis said he had not given any direction in establishing a 15 mph speed limit and noted that Belle Isle is a subdivision conglomerate and may have existed before his tenure. Mr. Francis said a 15mph speed sign could not be placed without a study. Discussion ensued on high speeds on local streets and existing stop signs around the City.

Comm Carugno spoke on the 15 mph speed signs on Oak Island. When he requested a 15mph speed limit years ago, he was told by the staff that the City must follow FDOT procedures before moving forward.

Comm Shuck gave a summary of the OC meeting. His take was that the owners of Cerveza House had met all the requirements of the County. He further added that the 15mph on Cove Drive has been in existence when he was a postman many years ago. By State Law, we cannot place a speed limit less than 25 mph. Chief Houston directed Council to FSS 316.189 – County Speed Zones and said the City could not establish a 15mph speed sign without a study. Mayor Fouraker said one should not base their facts on Facebook and research before acting.

Comm Partin said he remembered 15mph on Cove Drive through the groves many years ago. At some time, the City or the County did the appropriate research, and we can indeed enforce them.

Mr. Francis said if Council would like to look into this further, he would request that Council move to have staff complete a Traffic Speed Study to see if a 15 mph speed limit is warranted in certain areas.

**Comm Gold moved to have staff complete a Traffic Speed Study in certain areas of the City.
Vice Mayor Partin seconded the motion, which passed 6:1 with Comm Shuck, nay.**

City Manager Francis said he spoke with the Mexican Restaurant owners (Cork & Form), who stated that they had internal problems moving the project forward. They should be opening soon, hopefully.

A resident contacted him on St Regis regarding an island of grass that beached up on their property. He reached a NAV Board representative for some assistance, who contacted EPD.

12. Adjournment

There being no further business, Vice Mayor Partin called for a motion to adjourn. The meeting adjourned at 8:45 pm.

Office of the Mayor

CITY OF BELLE ISLE

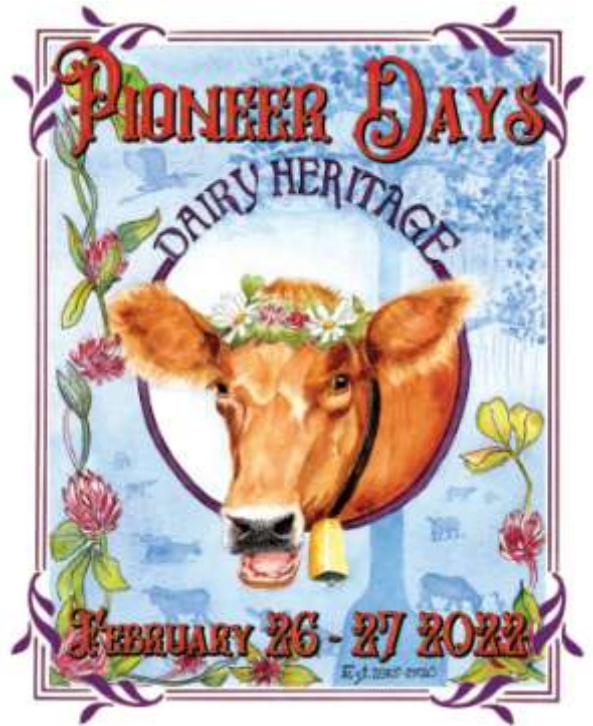


Proclamation

Declaring the weekend of February 26TH – 27TH, 2022 as

"Pine Castle Pioneer Days – Dairy Heritage"

- Whereas** the story of Pine Castle begins with the Harney Homestead, which was settled after the Civil War; and
- Whereas** Pioneer Days will be documenting their history from farming in the 1890s to the development of Sky Lake a half-century ago; and
- Whereas** Pioneer Days provide educational opportunities, historical reenactments, encampments, storytelling, traditional music; and
- Whereas** Belle Isle is proud to celebrate Pine Castle Pioneer Days, its culture and preserving its history celebrating trains and the railroad of our community, and recognize this event for its beneficial impact on our community.



Therefore, be it resolved that I, Nicholas Fouraker, Mayor of the City of Belle Isle, hereby designate February 26th and 27th, 2022 as

"Pine Castle Pioneer Days - Dairy Heritage"

In Witness Whereof, I hereunto have set my hand and caused the Seal of the City of Belle Isle to be affixed this 1st day of February 2022.

Attest

Yolanda Quiceno, CMC-City Clerk

Mayor Nicholas Fouraker



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

Meeting Date: February 1, 2022

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Referendum 22-09 Change in Referendum Date for Annexation of Sienna Place

Background: After a meeting between Supervisor of Elections, the City Attorney, and the City Clerk, the City has to change the date of the election and therefore must pass a resolution to change the date. This mail ballot will coincide with a mail ballot that Edgewood is doing and this is done by the County Canvassing Board, not the City Canvassing Board. The County Canvassing Board will meet on Thursday, May 11th; therefore, the election for the annexation will be a mail ballot to be held on May 11, 2022.

In order to hold the election on May11th, the City has to pass a resolution stating the new election date 90-days prior to the election.

Staff Recommendation: Approve Resolution 22-09.

Suggested Motion: I move that we approve Resolution 22-09.

Alternatives: None

Fiscal Impact: None for this action

Attachments: Resolution 22-09

RESOLUTION 22-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, APPROVING A CHANGE TO THE REFERENDUM DATE AND APPROVING A BALLOT QUESTION AND SUMMARY FOR THE ANNEXATION REFERENDUM REQUIRED BY ORDINANCE 22-01 CONCERNING THE ANNEXATION OF SIENNA PLACE CONDOMINIUM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 18, 2022, the Belle Isle City Council adopted Ordinance 22-01 to involuntary annex the Sienna Place Condominium properties consisting of 168 individual condo units and common elements as more specifically described in Ordinance 22-01 (the "Annexation Area") and calling for a referendum for elector approval of the same; and

WHEREAS, the City is changing the date for the referendum required by Ordinance 22-01 to May 11, 2022 and requiring such referendum to be held via mail in ballot; and

WHEREAS, Ordinance 22-01 permits the City Council to change the referendum date via resolution; and

WHEREAS, only the qualified voters residing within the Annexation Area (Exhibit A) are permitted to cast a vote in the referendum contemplated by Ordinance 22-01 to be held on May 11, 2022; and

WHEREAS, the City Council desires to establish a ballot summary and ballot question for the annexation referendum contemplated by Ordinance 22-01; and

WHEREAS, the City Council finds that this Resolution is in the best interest and welfare of the residents of the City of Belle Isle.

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

3
4 **Section 1. Recitals.** The above recitals are true and correct and are
5 incorporated herein by this Resolution.

6
7 **Section 2. Referendum Ballot Question.** The ballot summary and ballot question
8 for the referendum required by Section 4 of Ordinance 22-01 will be as follows:

9
10 **Sienna Place Condominium Annexation into the City of Belle Isle**

11 Shall the individual condominium units and common elements of the Sienna
12 Place Condominium be annexed into the city limits of the City of Belle
13 Isle as proposed by the City of Belle Isle Ordinance 22-01?

14
15 **Yes** _____

16 **No** _____

17
18 **Section 3. Referendum Date/Qualified Electors.** The referendum required by
19 Ordinance 22-01 is to be held on May 11, 2022 and such referendum is to be
20 conducted via mail in ballot. Only the qualified voters residing within the
21 Annexation Area (Exhibit A) are permitted to cast a vote in the referendum
22 required by Ordinance 22-01. The City Clerk is authorized to advertise the
23 referendum and take other actions as necessary to conduct the referendum
24 including coordination with the Orange County Supervisor of Elections.

25 **Section 4. Effective Date.** This Resolution shall take effect immediately upon
adoption.

1 PASSED and ADOPTED this 1st day of February, 2022.

2		YES	NO	ABSENT
3	Ed Gold	_____	_____	_____
4	Anthony Carugno	_____	_____	_____
5	Karl Shuck	_____	_____	_____
6	Randy Holihan	_____	_____	_____
7	Beth Lowell	_____	_____	_____
8	Jim Partin	_____	_____	_____
9	Sue Nielsen	_____	_____	_____

10

11 City of Belle Isle

12

13 _____

14 Nicholas Fouraker, Mayor

15 Attest:

16

17 _____

18 Yolanda Quiceno, City Clerk

19

20 _____

21 Approved as to form and legality

22 City Attorney

23

24

25

Exhibit A

1

2 SIENNA PLACE CONDOMINIUM CONSISTING OF ONE HUNDRED AND SIXTY-EIGHT (168) INDIVIDUAL CONDO UNITS AND THE

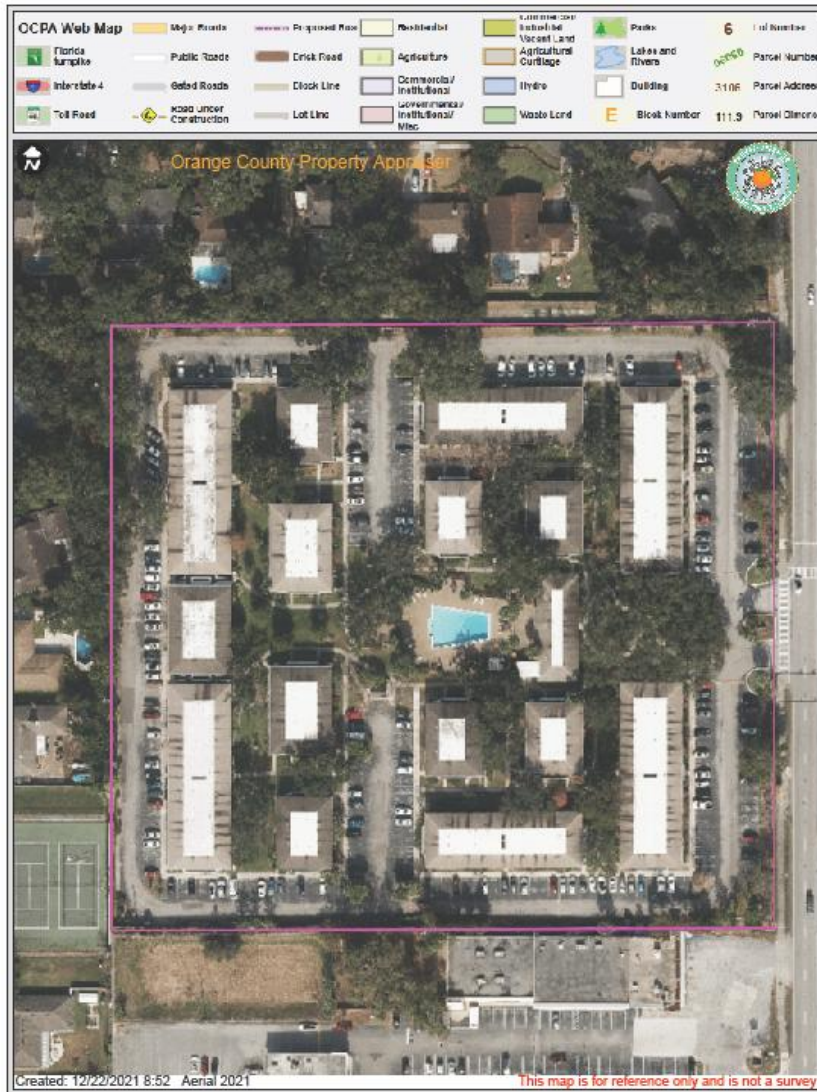
3 COMMON ELEMENTS DESCRIBED IN THAT CERTAIN DECLARATION OF CONDOMINIUM RECORDED AT BOOK 0841, PAGE 1959-

4 2091, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND GENERALLY LOCATED ADJACENT TO AND WEST OF SOUTH

5 CONWAY ROAD, EAST OF THE EAST LINE OF LAKE CONWAY ESTATES SECTION SIX, AS RECORDED IN PLAT BOOK "Z" PAGE 17

6 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SOUTH OF THE SOUTH LINE OF LAKE CONWAY WOODS AS RECORDED

7 IN PLAT BOOK 4 PAGES 41-42 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND NORTH OF HOFFER AVENUE.





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

Meeting Date: February 1, 2022

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Ordinance 21-15 Impact Fees (2nd Reading/Adoption)

Background: The City Council read the Ordinance for the first time at the December 7 meeting, but had questions that they wanted answered prior to the second reading and proposed adoption in March, 2022. Having answered those questions, the Council passed a motion to move Ordinance 21-15 to a second reading and adoption at this meeting. Although the Ordinance may be adopted at this meeting, the effective date of the ordinance will not be until March 1, 2022.

Staff Recommendation: Adopt Ordinance 21-15

Suggested Motion: I move we adopt Ordinance 21-15 with an effective date of March 1, 2022.

Alternatives: None

Fiscal Impact: TBD based on new development and new fees approved in the study

Attachments: Ordinance 21-15

ORDINANCE NO. 21-15

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, REPEALING ARTICLE VII OF CHAPTER 46 OF THE CITY’S LAND DEVELOPMENT CODE PERTAINING TO ROAD IMPACT FEES AND REPLACING SAME WITH NEW ARTICLE VII OF CHAPTER 46 OF THE LAND DEVELOPMENT CODE PERTAINING TO IMPACT FEES, THEREBY CREATING AND IMPOSING A NEW SYSTEM OF IMPACT FEES TO BE IMPOSED UPON DEVELOPMENT WITHIN THE CITY LIMITS; CREATING A NEW IMPACT FEE PROGRAM AND ADOPTING RELATED PROVISIONS PERTAINING TO THE ADMINISTRATION AND ENFORCEMENT THEREOF; ADOPTING AN IMPACT FEE STUDY IN SUPPORT OF IMPACT FEES IMPOSED; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

RECITALS

WHEREAS, the City Council has retained the firm of Duncan Associates to study the technical basis to enact a new impact fee program within the City limits; and

WHEREAS, has prepared and presented to the City Council a report titled “Belle Isle, Impact Fee Study for Transportation, Parks, and General Government Facilities” dated October 2021 (the “Impact Fee Study”), which establishes the proportionate share of new development’s impacts on the transportation, parks, and general governmental facilities (“Facilities”) for which impact fees will be collected pursuant to this Ordinance; and

WHEREAS, the Impact Fee Study has been presented to and reviewed by the City Council, which has determined: (1) that impact fees are necessary to offset the costs to the City associated with meeting the demand for additional Facilities created by projected new residential and non-residential development; (2) that the amount of the impact fees to be imposed by the City bears a reasonable relationship to the burden imposed upon the City to provide to new development the additional Facilities addressed in the Impact Fee Study, (3) the expenditure of transportation impact fees, pursuant to the terms of this Ordinance, will result in a beneficial use to such new development reasonably related to the impact fees, per dwelling unit, by type, and per increment of non-residential development; (4) that a “rational nexus” exists between the projected new development and the need for additional Facilities to be funded via the impact fees; and (5) that the amount of the impact fees is “roughly proportional” to the additional Facilities required to provide adequate service to new development; and,

WHEREAS, pursuant to § 163.31801, Florida Statutes:

(a) The Impact Fee Study, and the impact fees recommended therein, are based on the most recent and localized data;

(b) This Ordinance includes procedures for accounting and reporting of impact fee collections and expenditures in order to assure compliance with applicable legal standards;

(c) This Ordinance provides for a separate accounting fund for the revenues and expenditures for which impact fees will be collected;

(d) Administrative fees charged pursuant to this Ordinance for the collection of impact fees are limited to actual costs to the City to administer collection of impact fees;

(e) The City provided notice on the 19th_ day of November, 2021, which is more than ninety (90) days prior to the effective date of this Ordinance; and

(f) This Ordinance requires audits of the City’s financial statements to include an affidavit of the City’s chief financial officer stating that the requirements of § 163.31801, Fla. Stat. have been complied with; and

WHEREAS, planning for improvements to serve new growth and development that generate additional travel, and the implementation of such planning through the comprehensive planning process is a responsibility of the city under Chapter 163, pt. II (the Community Planning Act), Florida Statutes, and is in the best interest of the health, safety, and welfare of the citizens of the City; and

WHEREAS, the Florida Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction; and

WHEREAS, on November 29, 2021, the City’s local planning agency, the Planning & Zoning Board held a hearing on this Ordinance and made a recommendation to the City Commission; and

WHEREAS, the City Commission finds, based on the Impact Fee Study, that improvements, including those associated with transportation, parks, and general governmental facilities, expand the capacity of the City’s Facilities; and

WHEREAS, the impact fees assessed pursuant to this Ordinance are necessary to ensure the public health, safety, and welfare of the residents of the City of Belle Isle;

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

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 as legislative findings.

Section 2. City Code Amendment. Article VII of Chapter 46 of the City’s Code of Ordinances pertaining to the Road Impact Fee is hereby **REPEALED** in its entirety, and this

New Article VII of Chapter 46 of the City’s Code of Ordinances is substituted and **ADOPTED** in lieu thereof (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

ARTICLE VII. - IMPACT FEES

Sec. 46-191. - Short title, authority, applicability, and adoption of technical report.

- (a) Short title. This article shall be known and may be cited as the "Belle Isle Impact Fee Ordinance."
- (b) Authorization. The city council has the authority to adopt this article pursuant to Article VIII of the Florida Constitution and F.S. ch. 125 and F.S. §§ 163.31801, 163.3201, 163.3202 and 380.06(16).
- (c) Applicability. This article shall apply to all new development within the incorporated area of the City of Belle Isle.
- (d) Incorporation of technical report. The City Council has reviewed and accepted, and incorporates into this article by reference, the report prepared by Duncan Associates, titled “Belle Isle, Florida Impact Fee Study for Transportation, Parks, and General Government Facilities,” dated October 2021 (hereinafter the "Technical Report"), or any subsequent similar report, which establishes the need for and appropriate amount of impact fees for transportation, parks, and general government facilities necessary to serve new development.

Sec. 46-192. – Definitions.

- (a) Land use definitions. The land use categories in the impact fee schedule are defined as follows.

Single-Family Detached means a building containing only one dwelling unit, including a mobile or manufactured home.

Multi-Family means a building containing two or more dwelling units, including duplexes, apartments, residential condominiums, townhouses, and timeshares.

Retail/commercial means establishments engaged in the selling or rental of goods, services or entertainment to the general public. Such uses include, but are not limited to, amusement parks, auto parts stores, auto wrecking yards, auto repair, automobile sales and service, banks, bars or cocktail lounges, barber shops, bowling alleys, building material and lumber stores, car washes, convenience stores, dance studios, department stores, discount stores, florist shops, funeral homes, furniture stores, golf courses and driving ranges, grocery stores, hardware and paint stores, health or fitness clubs, home improvement stores, hotels or motels, laundromats, lawn and garden supply

stores, marinas, massage parlors, miniature golf courses, movie theaters, newsstands, nightclubs, pharmacies, restaurants, shopping centers, supermarkets, theaters, tire stores, variety stores, and vocational or technical schools. Any land use within a shopping center shall be considered a retail/commercial use.

Office shall mean a building exclusively containing establishments providing executive, management, administrative, financial or professional services, and which may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, or childcare facilities. It may be the upper floors of a multi-story office building with ground floor retail/commercial uses. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, secretarial, data processing, photocopy and reproduction, telephone answering, telephone marketing, music, radio and television recording and broadcasting studios, professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; medical and dental offices and clinics, including veterinarian clinics; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations. This category does not include an administrative office that is ancillary to the principal use on the site.

Industrial/warehouse means an establishment primarily engaged in the fabrication, assembly or processing of goods, or the display, storage, and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. Typical uses include manufacturing plants, industrial parks, research and development laboratories, welding shops, wholesale bakeries, dry cleaning plants, bottling works, wholesale distributors, storage warehouses, trucking terminals, moving and storage firms, recycling facilities, trucking and shipping operations, major mail processing centers, and mini-warehouses.

Public/institutional shall mean a governmental, quasi-public, institutional or nonprofit recreational use. Typical uses include elementary, secondary or higher educational establishments, day care centers, hospitals, mental institutions, nursing homes, fire stations, city halls, county court houses, post offices, jails, libraries, museums, places of religious worship, military bases, airports, bus stations, fraternal lodges, and parks and playgrounds.

(b) Other definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means any person who applies for a development permit for impact-generating land development.

Director means the city manager or employee designated thereby to review applications for development permits that require impact fee payments pursuant to this article.

General government facilities means facilities used for the provision of police protection and other general government services, including city administration, public works, and other city services, but excluding facilities related to transportation, parks and recreation, water, and wastewater services.

Impact-generating land development is land development designed or intended to permit a use of the land that will contain more dwelling units or floor space than the existing use of the land in a manner that increases the generation of vehicular traffic or the demand for parks or general government facilities.

Major roadway system means all arterial and collector roads within the city’s incorporated area.

Site-related improvements means road improvements necessary to provide safe and adequate ingress and egress to a development site while maintaining efficient traffic operations. Such improvements include, but are not limited to, right-of-way and easements, turn lanes, acceleration and deceleration lanes, traffic control signals, and signage and marking.

Square feet means a measurement of one (1) foot by one (1) foot. For the purpose of assessing impact fees, it is calculated by using the gross floor area of a building, measured from the exterior faces of exterior walls, excluding areas within the interior of a building that are utilized for vehicular maneuvering and parking. Structures without roofs or walls shall not be deemed to have square footage under the terms of this article.

Sec. 46-193. – Imposition of impact fees.

- (a) Any person who applies for the issuance of a development permit for an impact-generating land development shall be required to pay impact fees in the manner and amounts set forth herein. No development permit for any impact-generating development requiring payment of an impact fee pursuant to this article shall be issued unless and until the impact fees hereby required have been paid. Impact fees shall not be collected prior to the issuance of a building permit. If no building permit is required, the impact fees shall be collected prior to the issuance of the final permit required for the development. The obligation to pay impact fees due shall run with the land.
- (b) Unless the applicant requests an independent fee calculation pursuant to section 46-194 of this article, the impact fees due shall be determined by using the applicable fee schedule set forth below.

(1) The following fee schedule will be in effect from April 1, 2022 through March 31, 2023.

<u>Land Use Type</u>	<u>Unit</u>	<u>Transp.</u>	<u>Parks</u>	<u>Gen.</u>	
				<u>Gov't</u>	<u>Total</u>
<u>Single-Family Detached</u>	<u>Dwelling</u>	<u>\$1,609</u>	<u>\$781</u>	<u>\$1,023</u>	<u>\$3,414</u>
<u>Multi-Family</u>	<u>Dwelling</u>	<u>\$1,457</u>	<u>\$687</u>	<u>\$900</u>	<u>\$3,044</u>
<u>Retail/Commercial</u>	<u>1,000 sq. ft.</u>	<u>\$2,912</u>	<u>n/a</u>	<u>\$940</u>	<u>\$3,852</u>
<u>Office</u>	<u>1,000 sq. ft.</u>	<u>\$2,755</u>	<u>n/a</u>	<u>\$470</u>	<u>\$3,225</u>
<u>Industrial/Warehouse</u>	<u>1,000 sq. ft.</u>	<u>\$499</u>	<u>n/a</u>	<u>\$91</u>	<u>\$590</u>
<u>Public/Institutional</u>	<u>1,000 sq. ft.</u>	<u>\$1,140</u>	<u>n/a</u>	<u>\$238</u>	<u>\$1,378</u>

(2) The following fee schedule will be in effect from April 1, 2023 through March 31, 2024.

<u>Land Use Type</u>	<u>Unit</u>	<u>Transp.</u>	<u>Parks</u>	<u>Gen.</u>	
				<u>Gov't</u>	<u>Total</u>
<u>Single-Family Detached</u>	<u>Dwelling</u>	<u>\$1,788</u>	<u>\$781</u>	<u>\$1,023</u>	<u>\$3,593</u>
<u>Multi-Family</u>	<u>Dwelling</u>	<u>\$1,483</u>	<u>\$687</u>	<u>\$900</u>	<u>\$3,070</u>
<u>Retail/Commercial</u>	<u>1,000 sq. ft.</u>	<u>\$2,912</u>	<u>n/a</u>	<u>\$940</u>	<u>\$3,852</u>
<u>Office</u>	<u>1,000 sq. ft.</u>	<u>\$2,755</u>	<u>n/a</u>	<u>\$470</u>	<u>\$3,225</u>
<u>Industrial/Warehouse</u>	<u>1,000 sq. ft.</u>	<u>\$499</u>	<u>n/a</u>	<u>\$91</u>	<u>\$590</u>
<u>Public/Institutional</u>	<u>1,000 sq. ft.</u>	<u>\$1,140</u>	<u>n/a</u>	<u>\$238</u>	<u>\$1,378</u>

(3) The following fee schedule will be in effect from April 1, 2024 through March 31, 2025.

<u>Land Use Type</u>	<u>Unit</u>	<u>Transp.</u>	<u>Parks</u>	<u>Gen.</u>	
				<u>Gov't</u>	<u>Total</u>
<u>Single-Family Detached</u>	<u>Dwelling</u>	<u>\$1,967</u>	<u>\$781</u>	<u>\$1,023</u>	<u>\$3,772</u>
<u>Multi-Family</u>	<u>Dwelling</u>	<u>\$1,509</u>	<u>\$687</u>	<u>\$900</u>	<u>\$3,096</u>
<u>Retail/Commercial</u>	<u>1,000 sq. ft.</u>	<u>\$2,912</u>	<u>n/a</u>	<u>\$940</u>	<u>\$3,852</u>
<u>Office</u>	<u>1,000 sq. ft.</u>	<u>\$2,755</u>	<u>n/a</u>	<u>\$470</u>	<u>\$3,225</u>
<u>Industrial/Warehouse</u>	<u>1,000 sq. ft.</u>	<u>\$499</u>	<u>n/a</u>	<u>\$91</u>	<u>\$590</u>
<u>Public/Institutional</u>	<u>1,000 sq. ft.</u>	<u>\$1,140</u>	<u>n/a</u>	<u>\$238</u>	<u>\$1,378</u>

(4) The following fee schedule will be in effect after March 31, 2025.

<u>Land Use Type</u>	<u>Unit</u>	<u>Transp.</u>	<u>Parks</u>	<u>Gen.</u>	
				<u>Gov't</u>	<u>Total</u>
<u>Single-Family Detached</u>	<u>Dwelling</u>	<u>\$2,146</u>	<u>\$781</u>	<u>\$1,023</u>	<u>\$3,951</u>
<u>Multi-Family</u>	<u>Dwelling</u>	<u>\$1,536</u>	<u>\$687</u>	<u>\$900</u>	<u>\$3,123</u>
<u>Retail/Commercial</u>	<u>1,000 sq. ft.</u>	<u>\$2,912</u>	<u>n/a</u>	<u>\$940</u>	<u>\$3,852</u>
<u>Office</u>	<u>1,000 sq. ft.</u>	<u>\$2,755</u>	<u>n/a</u>	<u>\$470</u>	<u>\$3,225</u>
<u>Industrial/Warehouse</u>	<u>1,000 sq. ft.</u>	<u>\$499</u>	<u>n/a</u>	<u>\$91</u>	<u>\$590</u>
<u>Public/Institutional</u>	<u>1,000 sq. ft.</u>	<u>\$1,140</u>	<u>n/a</u>	<u>\$238</u>	<u>\$1,378</u>

- (c) The director shall determine the appropriate land use category or categories for the proposed development. The determination shall be based on the categories listed in the fee schedule, the proposed primary use of the site, and the definitions of the categories in section 46-192. In the event that the building permit covers multiple primary uses, such as residential and commercial in the same building, the fees for each primary use shall be calculated separately and summed.
- (d) If a development involves the replacement, expansion, and/or change of use related to an existing development, the impact fees due shall be determined by the difference between the fees that would otherwise have been due for the most recent use of the existing site and the fees for the proposed development or redevelopment. No impact fee credits or refunds will be given if a development involves the replacement, expansion, and/or change of use resulting in a lower impact generating development. Provided however, if a building or structure is demolished and a replacement building or structure is not permitted for reconstruction or redevelopment within one (1) year from demolition, the previously existing building or structure will not be considered as previously existing for impact fee purposes, and the new development will be charged at the full impact fee amount due (without reduction) based on the new development.
- (e) If impact fees are due under this chapter or any portion or combination thereof are due, and such fees are not paid when due for any reason, including a failure to pay due to incorrect land use activity, mistake, or inadvertence, the city shall have the right to proceed to collect such fees as follows:
 - (1) The city shall serve, by certified mail-return receipt requested and regular U.S. Mail, a notice of nonpayment upon the building permit applicant at the address set forth in the building permit application, and

then current owner of the property based on the ownership information appearing on the Orange County Property Appraiser website. Provided the city sends the notice of nonpayment, the applicant's and/or current owner's failure to receive delivery of such notice of nonpayment shall not invalidate or otherwise impact the city's ability to collect the outstanding amount owed and place and foreclose a notice of lien against the applicable property.

- (2) The notice of nonpayment shall contain:

 - i. A description of the property;
 - ii. Advise the applicant and the property owner of the amount due and the fee and/or charges that were not paid; and
 - iii. Advise that if the impact fees are not paid within 30 calendar days from the date of the notice of nonpayment, that a notice of lien against the applicable property for which the building permit was secured may be recorded in the official records of Orange County and such notice of lien may be foreclosed upon by the city to collect the outstanding sums owed plus accrued interest and attorneys' fees and other collection expenses.

- (3) If the amount set forth in the notice of nonpayment is not paid within 30 days from the date of the notice of nonpayment, then:

 - i. The outstanding balance owed to the city shall accrue interest at the rate of 12 percent per annum until such amount is paid in full;
 - ii. The city may proceed to record a notice of lien against the applicable property in the official records of the county. Once recorded, the notice of lien shall constitute a lien against the property described therein; and
 - iii. A copy of the notice of lien will be served by U.S. Mail to the applicant and the property owner at the same addresses as set forth in subsection (1) above.

- (4) After the expiration of 60 days from the date of recording of the notice of lien, a suit may be filed to foreclose said lien. Such foreclosure proceedings shall be instituted and prosecuted in conformity with the procedures for the foreclosure of liens as set forth in the Florida Statutes. The city shall also have the right to bring an action for monetary judgment to collect past due amounts owed.

- (5) The owner shall be responsible for and the city shall be entitled to reimbursement for the payment of all collection expenses and costs, including attorneys' fees and litigation costs and recording and filing fees, incurred by the city in the collection of fees and charges, filing of

liens, and in actions to foreclose such liens or actions for a monetary judgment.

- (6) If impact fees or any portion or combination thereof, have not been paid when due, the city shall have the right to, without notice, immediately withhold the issuance of and not process for review any certificate of occupancy, development permit, or development order applications associated with the development and property at issue and may issue and enforce a stop work order on construction associated with the development and property at issue until such fees and charges, including the city's associated collection costs, are paid in full.
- (7) The collection and enforcement procedures set forth in this section shall be cumulative with, supplemental to, and in addition to, any applicable procedures provided in any other ordinance or administrative regulations of the city, any applicable law or administrative regulation of the state, or any agreement. Failure of the city to follow the procedure set forth in this section will not constitute a waiver of its rights to proceed under any other ordinances or administrative regulations of the city, any applicable law or administrative regulation of the state, or any agreement.

Sec. 46-194. - Independent fee calculation.

- (a) Generally.
 - (1) The intent of an independent fee calculation study is to determine appropriate impact fees for land uses that are not typical of the generalized land uses listed in the impact fee schedules. It shall not be grounds for an independent fee calculation that the initial occupant of the development will not generate as much impact as is assumed by the fee schedules, but that unique and permanent features of the development will result in lower impacts over the long term.
 - (2) The impact fee may be computed by the use of an independent fee calculation study at the election of the fee payer, if the applicant believes it can be demonstrated that the nature of the proposed development makes it likely that the impacts generated will cost substantially less to mitigate than the amount of the fee that would be generated by the use of the fee schedule.
 - (3) The preparation of the independent fee calculation study shall be the sole responsibility and expense of the electing party. Any person who requests an independent fee calculation study shall pay an application fee for administrative costs associated with the review and decision on such study.

(b) Requirements.

- (1) An independent fee calculation study for transportation impact fees shall provide independent sources of data for determining appropriate trip generation rate, new trip factor, and average length of a trip on the City's arterial and collector road system. The independent fee calculation study shall provide independent data not used in the technical report for all three (3) of these travel demand characteristics. The independent sources shall be (1) an accepted standard source of transportation engineering or planning data or (2) a local study on travel demand characteristics carried out by a qualified traffic planner or engineer pursuant to an accepted methodology of transportation planning or engineering.
- (2) An independent fee calculation study for general government facilities impact fees shall provide independent sources of data for determining appropriate functional population per development unit for the proposed development, using the methodology set forth in the technical report.
- (3) An independent fee calculation study for parks impact fees shall provide independent sources of data for determining appropriate measures of persons per dwelling unit to be added by the proposed development.

(c) Procedures.

- (1) An independent fee calculation study shall be undertaken through the submission of an application for an independent fee calculation. The application shall briefly describe how the applicant proposes to conduct the independent fee calculation and meet the standards for such study provided in this section.
- (2) Within ten (10) days of receipt of an application for an independent fee calculation study, the director shall determine if the application is complete. If the director determines that the application is not complete, a written statement specifying the deficiencies shall be sent by mail to the person submitting the application. The application shall be deemed complete if no deficiencies are specified. The director shall take no further action on the application until it is deemed complete.
- (3) When the director determines that the application is complete, the application shall be reviewed by the director with the assistance of the department of public works staff, and the director shall render a written decision in forty-five (45) days on whether the fee should be

modified and, if so, what the amount should be, based upon the standards below.

- (d) Standards. If, on the basis of generally recognized principles of impact analysis, it is determined that the data, information and assumptions used by the applicant in the independent fee calculation study satisfy the requirements of this section, the fee determined in the independent fee calculation study shall be deemed the fee due and owing for the proposed impact-generating development. The adjustment shall be set forth in a fee agreement. If the independent fee calculation study fails to satisfy the requirements of this section, the fee applied shall be that fee established for the development pursuant to section 46-193.

Sec. 46-195. - Site-related road improvements.

The transportation impact fee is designed to calculate the costs inherent in the construction of non-site-related improvements to the major roadway system and is not intended to assess an amount to construct site-related roadway improvements. Therefore, if an assessment for or the construction of site-related roadway improvements are required as a condition of development approval or permit, then to the extent permitted by law, said assessment or construction requirement shall be considered as an addition to the transportation impact fee assessed pursuant to the terms of this article.

Sec. 46-196. - Establishment of trust funds.

- (a) The impact fees collected by the city pursuant to this article shall be kept in separate accounts for each fee type from other revenue of the city.
- (b) Funds withdrawn from these accounts must be used solely in accordance with the provisions of this article. The disbursal of such funds shall require the approval of the city council, upon recommendation of the city manager.
- (c) Funds in these accounts shall be deemed to have been expended on a first-in, first out basis.

Sec. 46-197. - Use of funds collected.

- (a) The funds collected by reason of establishment of the transportation impact fee in accordance with this article shall be used solely for the purpose of administering, planning, acquisition, expansion and development of non-site-related improvements to the major roadway system determined to be needed to serve new land uses, including but not limited to:
 - (1) Corridor studies and environmental assessments,
 - (2) Design and construction plan preparation,

- (3) Right-of-way acquisition,
 - (4) Construction of new through lanes,
 - (5) Construction of new turn lanes,
 - (6) Construction of new bridges,
 - (7) Construction of new drainage facilities in conjunction with new roadway construction,
 - (8) Purchase and installation of traffic signalization, and
 - (9) Construction of new curbs, medians and shoulders.
- (b) The funds collected by reason of establishment of the parks impact fee in accordance with this article shall be used solely for the purpose of administering, planning, acquisition, expansion and development of additional land, amenities, and facilities for public parks and recreation purposes.
- (c) The funds collected by reason of establishment of the general government impact fee in accordance with this article shall be used solely for the purpose of administering, planning, acquisition, expansion and development of additional land, facilities, vehicles and equipment for general government facilities as defined in this article.
- (d) Funds collected by reason of the establishment of the transportation, parks, and general government impact fees shall not be used for maintenance, rehabilitation, repair, or replacement of existing facilities, or for the acquisition of vehicles or equipment with a useful life of less than five years, provided that the minimum useful life does not apply to public safety vehicles.
- (e) Any funds on deposit not immediately necessary for expenditure shall be invested in interest-bearing accounts, and all income derived shall remain in the account.
- (f) The city shall be entitled to retain up to three percent of the impact fees collected to offset the actual administrative costs associated with collection and use of said funds pursuant to this article.

Sec. 46-198. - Developer credits.

- (a) General.
- (1) Any person who shall initiate any impact-generating land development may apply for a credit against any impact fee assessed pursuant to this article for any contribution, payment, construction, or dedication of land accepted and received by the city for those capital facilities.
 - (2) Credit for contributions, payments, construction or dedications against one type of impact fee shall not be transferable to another type of

impact fee. Credits shall be transferable between developments within the city.

- (3) Credit shall be in an amount equal to the estimated fair market value of the land dedication or improvement at the time of the application, or the value of the contribution or payment at the time it is made.
- (4) The city shall enter into a capital contribution front-ending agreement with any person who proposes or is required to dedicate or construct impact fee-eligible improvements.

(b) Credit agreement procedures.

- (1) The determination of any credit shall be undertaken through the submission of an application that includes a draft capital contribution front-ending agreement, which shall be submitted to the director.
- (2) If the proposed application involves credit for the dedication of land, the application agreement shall include the following information: a drawing and legal description of the land; the appraised fair market value of the land at the date a building permit is proposed to be issued for the impact-generating land development, prepared by a professional real estate appraiser who is a member of the Member Appraisal Institute (MAI) or who is a member of Senior Residential Appraisers (SRA); and if applicable a certified copy of the development order in which the land was agreed to be dedicated.
- (3) If the proposed application involves construction, the application shall include the proposed plan of the specific construction prepared and certified by a duly qualified and licensed Florida engineer or contractor; and the estimated cost of the proposed improvement, which shall be based on local information for similar improvements, along with the construction timetable for the completion thereof. Such estimated cost shall include the cost of construction or reconstruction, the cost of all labor and materials, the cost of all lands, property, rights, easements and franchises acquired, financing charges, interest prior to and during construction and for one year after completion of construction, cost of plans and specifications, surveys of estimates of costs and of revenues, cost of professional services, and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction.
- (4) If the proposed application involves a credit for any other contribution or payment, the application shall include a certified copy of the development order in which the contribution or payment was agreed; if

payment has been made, proof of payment; or if payment has not been made, the proposed method of payment.

(5) Within ten days of receipt of the proposed application for credit agreement, the director shall determine if the application is complete. If it is determined that the proposed application is not complete, the director shall send a written statement to the applicant outlining the deficiencies. No further action shall be taken on the proposed application until all deficiencies have been corrected or otherwise settled.

(6) Within 30 days after an application for credit is determined complete, the director shall review the application and grant the proposed credit if it meets the standards set forth in this section. If the application for credit agreement is approved, a capital contribution front-ending agreement shall be prepared and signed by the applicant and the director. It shall specifically outline the contribution, payment, construction or land dedication; the time by which it shall be completed, dedicated, or paid, and any extensions thereof; and the dollar credit the applicant shall receive for the contribution, payment or construction.

(c) Use of credits. Credits may be used by the credit holder to reduce impact fees that would otherwise be due from any development project within the city. The dollar value of the credits to be used shall be inflated or reduced by the same percentage by which the fee for the land use for which the credits shall be used has changed since the date of the credit agreement. Any credit amount not used within ten years of the date of the credit agreement shall expire and be of no further value.

Sec. 46-199. - Refunds.

If it is determined by the city that fee assessments collected pursuant to this article have not been spent or encumbered for expenditure by the end of the calendar quarter immediately following ten years from the date that the fee was received, or if the land uses for which the fees were paid were never begun, then said funds shall be eligible for refund to the then-present owner in accordance with the following procedures.

(a) The then-present owner must petition the city council for the refund within one year following the end of the calendar quarter immediately following ten years from the date on which the fee was received by the city.

(b) The petition must be submitted to the city manager and must contain:

(1) A notarized sworn statement that the petitioner is the current owner of the development site.

- (2) A copy of the dated receipt issued for payment of the fee.
- (3) A certified copy of the latest recorded deed.
- (4) A copy of the most recent ad valorem tax bill.
- (5) Such other information which may be reasonably necessary to ascertain current ownership of the development site.

- (c) Within sixty days from the date of receipt of petition for refund, the city manager or his designee shall advise the petitioner and the city council of the determination of whether the fee requested for refund remains in the trust fund and has been there for ten years. For the purpose of determining whether fees have been spent or encumbered, the first money placed in a trust fund account shall be deemed to be the first money taken out of that account when withdrawals have been made.

- (d) If the money requested for refund is still in the trust fund account and has not been spent or encumbered by the end of the calendar quarter immediately following ten years from the date the fees were paid, the money shall be returned with interest at the rate of three percent per annum.

- (e) If the building permit or other development permit for which impact fees were paid has expired without opportunity for renewal and the permitted development has not begun, the entity that paid the fee may request a refund by filing an application for refund within 90 days of the final expiration of the permit. The application must contain a copy of the applicable development permit and evidence that the permit has expired and that the permitted development was not begun. The director shall review the application and make a written determination of whether it meets the standards of this subsection (e) within 30 days. If the determination is affirmative, the director shall cause the refund to be issued for 97 percent of the original impact fee payment to the entity that paid the impact fee. A refund shall not include interest or investment income on the impact fee while in the city's possession.

- (f) An impact fee payer may not retain the right to seek or collect a refund of an impact fee paid after the impact fee payer no longer owns fee simple title to the land for which the impact fee is paid. Only the then current owner of the land for which the impact fee was paid is entitled to seek and receive an impact fee refund that may be due.

- (g) No refunds are due under this section if the impact fee payer or the owner of land for which the impact fee was paid voluntarily signed a waiver or release of the right to seek or claim a refund of an impact fee paid. The owner of the land for which an impact fee has been paid has standing to file suit for a refund under the provisions of this section. No cause of action may be commenced for receiving a refund of impact fees paid following one (1) year after the date of the required expenditure or encumbrance date for the impact fees paid.

Sec. 46-200. - Appeals of impact fee determinations.

- (a) Any persons desiring to appeal the decision of the director regarding the assessment of an impact fee or an application for an independent fee calculation, a refund, or a credit shall file with the city clerk a written notice of appeal to the city council within 10 days of the director's decision.
- (b) The notice of appeal shall include a full explanation of the reasons for the appeal, specifying the grounds therefor and containing any documentation which the applicant desires to be considered. The appeal shall contain the name and address of the person filing the appeal and shall state their capacity to act as a representative or agent if they are not the owner of the property to which the impact fees pertain.
- (c) The city clerk shall schedule the appeal for the first city council meeting following 30 days from receipt of the written notice of appeal to the city council. Postponement of the appeal date may be granted by the city clerk if a postponement is requested by either the applicant or the director in writing at least ten days in advance of the scheduled city council meeting date.
- (d) The applicant and the director shall each be given opportunity to make oral presentations before the city council.
- (e) The city council, after hearing, shall have the power to affirm or reverse the decision of the director. In making its decision, the city council shall make written findings of fact and conclusions of law, and apply the standards in this article. If the city council reverses the decision of the director, it shall instruct the director to determine the outcome in accordance with its findings. In no case shall the city council have the authority to negotiate the amount of the fee, refund, or credit, or to waive the fee. The decision of the city council shall be final and not subject to further administrative appeal.

Secs. 46-201—46-220. - Reserved.

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

Section 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion

shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other Ordinance or provision of law, this Ordinance governs and controls to the extent of any such conflict(s).

Section 6. Directions to City Staff. City Staff under the direction of the City Manager is directed and authorized to take such actions as are necessary and advisable to effect and carry out this Ordinance.

Section 7. Effective Dates. This Ordinance shall become effective on March 1, 2022 after its adoption by the City Commission of the City of Belle Isle, Florida.

FIRST READING: December 7, 2021

SECOND READING: _____, 2021

ADOPTED this ____ day of _____ 2021, by the City Council of the City of Belle Isle, Florida.

	YES	NO	ABSENT
Ed Gold	_____	_____	_____
Anthony Carugno	_____	_____	_____
Karl Shuck	_____	_____	_____
Randy Holihan	_____	_____	_____
Beth Lowell	_____	_____	_____
Jim Partin	_____	_____	_____
Sue Nielsen	_____	_____	_____

CITY COUNCIL
CITY OF BELLE ISLE

ATTEST:

Nicholas Fouraker, Mayor

Yolanda Quiceno, City Clerk

Daniel W. Langley, City Attorney
Approved as to form and legality for the use
and reliance of the City of Belle Isle, FL,
only.

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 was duly and legally passed by the Belle Isle City Council, in session assembled on the ____ day of _____, 2021, at which session a quorum of its members were present.

City Clerk

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

Meeting Date: February 1, 2022

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Ordinance 22-02 BIMC Changes in Noise & Light Pollution

Background: The City receives many complaints from its residents about excessive noise. Most of the complaints are from vehicles that are revving their engines or from loud music emanating from the vehicles and property. In the past it has been difficult to cite possible violators due to the way the code is written.

The staff drafted proposed changes to the Municipal Code which may close the loopholes on the vehicle noise and provide a stronger ordinance in enforcing loud noise. The Council approved the draft and directed that the City Attorney finalize the ordinance and the Council approved this ordinance for a second reading.

Staff Recommendation: Adopt Ordinance 22-02

Suggested Motion: I move we adopt Ordinance 22-02.

Alternatives: Continue to work on the draft.

Fiscal Impact: Dependent on the amount of the fine.

Attachments: Ordinance 22-02

ORDINANCE NO. 22-02

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 10, ARTICLE III SECTION OF THE BELLE ISLE CODE OF ORDINANCES TO REGULATE NOISE GENERATED IN CONNECTION WITH THE OPERATION OF MOTOR VEHICLES AND VESSELS WITHIN THE CITY AND USE OF SOUND EMITTING DEVICES ON WATERWAYS AND PUBLIC RIGHTS-OF-WAYS; PROVIDING FOR ADDITIONAL DEFINITIONS AND GRAMMATICAL CORRECTIONS; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, excessive and unnecessary noise interferes with the quality of life and can interfere with the health, safety and general welfare of the public; and

WHEREAS, excessive and unnecessary noise can cause adverse psychological and physiological effects on humans; and

WHEREAS, the City Council has identified issues with noise emanating from motor vehicles and vessels within the City of Belle Isle; and

WHEREAS, the City Council finds it in the public interest to enact additional measures to address ongoing issues with noise emanating from motor vehicles and vessels over the public rights of way of the city and the city’s waterways to prevent the nuisances caused by such noise.

NOW THEREFORE, be it ordained by the City Council of the City of Belle Isle, Florida as follows:

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

SECTION 2. City Code Amendment. Article III of Chapter 10 of the Belle Isle Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; and any sections or parts that are not included below remain unchanged):

Sec. 10-62. - Terminology, standards, and definitions

- (a) *Terminology and standards.* All technical acoustical terminology and standards used in this article that are not defined in subsection (b) shall be read or construed in conformance with the American National Standards Institute, Inc., ("ANSI") publication entitled "Acoustical Terminology," designated as ANSI standard 1.1-1994.

(b) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, unless the context clearly indicates a different meaning:

A-weighted sound pressure level means the sound pressure level, in decibels, as measured on a sound level meter using the A-weighting network. The level so read shall be designated as dB (A-wt).

Background noise level means the sound pressure level of the all-encompassing noise emanating from a given environment, usually being a composite of sounds from many sources.

ANSI means the American National Standards Institute.

Construction means any site preparation, assembly, erection, substantial repair, alteration, or similar action, for or on public or private thoroughfares, structures, utilities or similar property.

Decibel or dB means a unit for describing the amplitude of sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micronewtons per square meter.

Demolition means any dismantling, destructing or razing of structures, utilities, public or private thoroughfares, or similar property.

Emergency means any occurrence or circumstance involving actual or imminent physical death or trauma, environmental harm, or property damage, demanding immediate emergency work or service.

Emergency work or emergency service means any labor performed for the purpose of preventing or alleviating, or attempting to prevent or alleviate, an emergency, or work by private or public utilities when restoring utility service.

Equivalent sound pressure level (Leq) means a sound level descriptor based on the average acoustic intensity over time. Leq is intended as a single-number indicator to describe the mean energy or intensity level over a specified period of time during which the sound level fluctuated. Leq is measured in dB and must be A-weighted.

Impulsive sound means a sound of short duration, usually less than one second and of high intensity, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions or pile driver impacts.

Intermittent sound means a sound of greater than one-second duration and less than 15 minutes. Example of sources of intermittent sound are air compressors, heating and air conditioning units and PA speakers.

Light trespass means light falling where it is not desired, wanted or needed.

Motor vehicle means any vehicle defined as "motor vehicle" by F.S. § 320.01(1).

Noise means any sound produced in such quantity and for such duration that it annoys, disturbs or may injure a reasonable individual of normal sensitivities. Noise is classified as follows:

- (1) *Noise pollution.* This term will describe noise emanating from a non-residential property or residential property under construction that exceeds the allowable limits set forth in section 15-182 of this article.
- (2) *Noise disturbance.* This term will describe noise emanating from a residential property that disturbs a reasonable individual of normal sensitivities.

Noise-creating device means any electrical, mechanical, or chemical device or instrument, or combination thereof, which creates noise during its operation by a person.

Noise-sensitive zone means a quiet zone where serenity and quiet are of extraordinary significance, which is open or in session. Noise-sensitive zones include schools, public libraries, churches, hospitals, nursing homes, and other areas defined as such pursuant to a resolution adopted by the city commissioners.

Person means an individual, association, partnership, or corporation, including any officer, employee, department, agency or instrumentality of the United States, the state or any political subdivision thereof.

Property line means an imaginary line along the surface of land or water, and its vertical plane extension, which separates the real property owned, rented or leased by a person from the real property owned, rented or leased by another person. Where the real property owned, rented or leased by a person abuts a waterbody, the term "property line" means the established normal high water elevation of the waterbody.

Public right-of-way means ~~any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by the state, county, or municipality.~~ property owned, controlled, or otherwise maintained by the city for the use of the public as a way for traffic to travel and includes the area on, below, or above the street, sidewalk, curb, gutter, alley, easement, waterway, and/or lawns and landscaping. For the purposes of this definition, traffic refers to the movement of vehicles, vessels,

pedestrians, or other conveyances across or through such public right-of-ways. The public right-of-way includes both the paved portion thereof and the entire width of the way as measured from one private property line to another private property line.

Residential area means an areas of the city that predominantly includes residential properties, i.e., single-family and multifamily dwellings, townhouses or timeshare condominiums.

Sound means an oscillation in pressure, stress, particle displacement, particle velocity or other physical parameter, in a medium with internal forces. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

Sound level means the weighted sound pressure level obtained by the use of a metering characteristic and weighting A as specified in American National Standards Institute specifications for sound level meters (ANSI standard 1.4-1983). If the weighting employed is not indicated, the A-weighting shall apply.

Sound level meter means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting network used to measure sound pressure levels. The output meter reads sound pressure level when properly calibrated. The sound level meter shall be of Type 2 or better, as specified in the American National Standards Institute publication entitled "Specifications for Sound-Level Meters," designated as ANSI standard 1.4-1983.

Sound pressure means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by the presence of sound energy.

Sound pressure level means a 20 times the logarithm to the base ten of the ratio of the root mean square sound pressure to the reference pressure of 20 micro-newtons per meter squared. The sound pressure level is denoted L_p (or SPL) and is expressed in decibels

Vessel means every any type of boat, watercraft, or barge, including airboats and personal watercraft but excluding seaplanes, which is used or capable of being used as a means of transportation on water.

Waterway means that portion of any waters, rivers, lakes, canals, streams, lagoons, or connecting waters, whether natural or manmade, which are located within the jurisdictional boundaries of the city.

Sec. 10-65. Specific noises and lights prohibited.

The following acts, among others, are declared to be unreasonably loud and disturbing noises or uses of light in violation of this article, but this enumeration shall not be deemed to be exclusive:

- (1) Subject to the provisions of sections 10-66 and 10-67, no person shall produce, cause to be produced, or allow to be produced, by any means, any sound within any private or public property, including a right-of-way.
- (2) Radios, home or portable stereo devices, audio and video players, televisions, any similar video and audio sound devices and musical instruments. In any residential district, the use, operation or playing of any radio, phonograph, tape or CD player or other device for the producing or reproducing of sound or any musical instrument in such manner as to unreasonably disturb the peace, quiet and comfort of others at any time with volume louder than is necessary for convenient hearing of the person or persons who are in the room or immediate area in which such device is operated and who are voluntary listeners thereto.
- ~~(3) Motor vehicle sound systems. It shall be unlawful for any person while driving or occupying a motor vehicle within the city to use or operate any radio, or other sound amplifying equipment in the vehicle such that the sound produced is plainly audible to a person of ordinary hearing at a distance of 50 feet from the motor vehicle. This provision shall not apply to emergency or law enforcement vehicles.~~
- (3) Motor vehicle and vessel sound systems.
 - (a) Use of Sound Amplifying Equipment on Vehicles and Vessels. It is unlawful for any person while operating or occupying a motor vehicle or vessel within the city to use or operate any radio, speaker, or other sound amplifying equipment in or on the vehicle or vessel such that the sound produced thereby is plainly audible to a reasonable person of ordinary hearing at a distance of 50 feet from the motor vehicle or vessel. This provision does not apply to emergency or law enforcement vehicles operated in connection with the conduct of law enforcement, emergency response, or other official governmental business.
 - (b) Low Frequency Noise Disturbances. In addition to the foregoing, radios, speakers, media players, and other similar sound producing devices associated with motor vehicles or vessels may not be operated or amplified in such a manner as to be physically felt or

clearly heard at 25 feet or more from such device. Particular words or phrases or the name of any song or artist need not be identified in order to result in a violation of this section. The detection of rhythmic bass, vibration, or other reverberating sound is sufficient to determine that a violation has occurred.

(4) Prohibition of certain noises upon public rights-of-way and/or waterways by the use of motor vehicles, vessels, and other sound generating devices.

(b) *Generally.* No person may operate or cause to be operated a motor vehicle, motorcycle, vessel, or any equipment attached to or carried by such vehicle or vessel on a public right-of-way or waterway at any time such that the noise or sound level emitted violates or exceeds the levels set forth in § 316.293(2), Florida Statutes (2021), as such may be amended or transferred.

(c) *Motorcycles.* With respect to motorcycles, all motorcycles must be equipped at all times with a muffler or other noise-suppressing system in good working order. No motorcycle may be operated upon a public right-of-way if equipped with an exhaust system that has been altered or modified in any way to enable the exhaust system to amplify or increase the sound level in excess of the established sound levels set forth in § 316.293(2), Florida Statutes (2021), as may be amended or transferred.

(d) *Exhaust Systems – Motor Vehicles.* No person may operate a motor vehicle upon a public right-of-way with an exhaust system or noise-abatement device modified as described in § 316.293(5), Florida Statutes (2021), as may be amended or transferred.

(e) *Exhaust Systems – Vessels.* No person may operate a vessel upon any waterway with an exhaust system or noise-abatement device modified as prohibited in § 327.65, Florida Statutes (2021), as may be amended or transferred.

(f) *Standing vehicles.* No person may operate or permit the operation of any motor vehicle or any equipment carried by, installed in, or mounted to such vehicle, for a period longer than 15 minutes in any hour while the vehicle is stationary anywhere within 150 feet of any residential property in such a manner as to cause a noise disturbance across a residential property line (boundary). In addition to the foregoing, no person may cause the rapid throttle advancement (*i.e.*, revving) of an internal combustion engine resulting in increased noise from the engine while parked, idling, or otherwise standing within 150 feet of any residential property.

This subsection shall not apply to customary idling noise generated by a motor vehicle when such vehicle is stopped or otherwise slowed in traffic congestion.

(g) Gratuitous Horn Usage. Horns and warning devices used in conjunction with vehicles and vessels must be maintained and operated consistent with the requirements of § 316.271, Florida Statutes (2021), as may be amended or transferred. No person may operate a horn or other plainly audible warning device of a vehicle or vessel except to provide an audible warning reasonably necessary to ensure safe operation of such vehicle or vessel. Any such horn or warning device must not emit an unreasonably loud or harsh sound or whistle.

(h) Mounted Amplification Equipment. No person may operate any sound amplifying equipment mounted on or attached to any motor vehicle or vessel at any time in a manner that exceeds the applicable maximum sound level set forth in § 10-63 of this Article.

(i) Motor/engine retarder devices. No person may use a brake retarder or other motor/engine retarding device while operating a truck, truck tractor, motor carrier vehicle, motor vehicle or any other vehicle within the city limits. This prohibition against the use of a brake retarder or other motor/engine retarding device does not apply to an "emergency vehicle" as defined in Chapter 316, Florida Statutes, when such vehicle is legitimately responding to an emergency call.

(j) Excessive tire noise. No person operating a motor vehicle may cause or allow the tires of such vehicle to squeal or chirp except as reasonably necessary to ensure safe operation of the vehicle by avoiding a collision with another person, animal, vehicle, object, or other item.

(4)(5) Between 9:00 p.m. and 7:00 a.m., it shall be unlawful to operate lawn and landscaping equipment, power saws or power equipment, including, by way of example and not by way of limitation, lawnmowers, edger, leaf blowers, chainsaws, handheld power saws, table saws and drills.

(5)(6) Lights. It shall be unlawful to have, keep, maintain or cause or permit to be kept or maintained any floodlight, spotlight, security light, or any other reflector-type light on any property in such a manner that its light is directed, reflected or thrown onto the residence of any other person in the vicinity so as to constitute an incident of light trespass, or an annoyance,

harassment or compromise of privacy to the person occupying such residence.

Sec. 10-68. - Enforcement/penalty.

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

(b) When two or more persons residing in separate residences located across a property line (boundary) from the property from which a noise emanates are in general agreement as to the times, durations, and disturbing nature of such noise, such testimony will constitute prima facie evidence of a noise disturbance as defined in this Article. For the purposes of this subsection, the term “residence” refers to a residential unit, regardless of whether such unit is a single-family home or a unit located within a multi-family complex or development.

(c) In determining whether a sound-emitting device is plainly audible, law enforcement personnel and code enforcement officers must employ their ordinary auditory senses absent any enhancements or hearing aids.

~~(b)~~(d) If any code enforcement officer or ~~police~~law enforcement officer determines that activities regulated under this article have occurred without the issuance of the appropriate variance, or not in accordance with these regulations, the officer shall promptly issue a written notice of violation. The notice of violation shall include a description of the site where the violation has occurred, cite the provisions of this article and other applicable laws that have been violated, and set forth the required remedial action or actions to be taken as deemed reasonable and necessary by the city. Such remedial action may include:

- (1) Modification of the structure or business causing the violation in order to comply with applicable local, state or federal laws or regulations;
- (2) Any other actions consistent with the intent of these regulations or other applicable laws in order to ameliorate the adverse impacts of the violation; and
- (3) Administrative and civil penalties.

~~(e)~~(e) Any person violating this article shall be liable for all costs incurred by the city in connection with enforcing this article or any provisions of any

resolution enacted pursuant to this article, including, without limitation, attorneys' fees and investigative and court costs.

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

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

SECTION 5. Conflicts. If a conflict arises between this Ordinance and any other ordinance or provision of law, this Ordinance governs and controls to the extent of such conflict, as permitted under the law.

SECTION 6. Effective date. This Ordinance will become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.

FIRST READING: _____, 2022

SECOND READING: _____, 2022

ADOPTED this ____ day of _____, 2022, by the City Council of the City of Belle Isle, Florida.

CITY COUNCIL

CITY OF BELLE ISLE

Nick Fouraker, Mayor

ATTEST:

Yolanda Quiceno, City Clerk



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

Meeting Date: February 1, 2022

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Resolution 22-08 Adopting Orange County Local Mitigation Strategy (LMS)

Background: FEMA requires local governments to develop and adopt such hazard mitigation plans as a condition for receiving certain types of non-emergency disaster assistance, including funding for mitigation projects. The County has to have an approved LMS plan to be eligible for federal mitigation grants. These grants include: The Hazard Mitigation Grant Program (HMGP), PreDisaster Mitigation Program (PDM) and Flood Mitigation Assistance Program (FMA). The county LMS plan may also be a vital piece to the Community Rating System (CRS) class as well as Emergency Management Accreditation Program (EMAP) status. The purpose of mitigation planning is to identify local policies and actions that can be implemented over the long term to reduce risk and future losses from hazards. These mitigation policies and actions are identified based on an assessment of hazards, vulnerabilities, and risks. The County must update its hazard mitigation plans and re-submit them for FEMA approval every five years to maintain eligibility. Orange County adopted the in January and each municipality must pass a resolution adopting the LMS.

The City is part of Orange County’s Hazard Mitigation Plan. The City lists its projects on the plan and those projects are prioritized with other local governments when funding is available. The City projects that are on the list include property acquisition and Equipment (Priority Ranking 6) and Critical Infrastructure (Ranking 33).

Staff Recommendation: Pass Resolution 22-08 adopting the County LMS.

Suggested Motion: I move we pass Resolution 22-08.

Alternatives: None

Fiscal Impact: TBD projects on the LMS list

Attachments: Resolution 22-08

RESOLUTION NO. 22-08

Orange County Local Mitigation Strategy Resolution

WHEREAS, the (jurisdiction’s name) are vulnerable to the human and economic costs of natural, technological and societal disasters;

WHEREAS, the (jurisdiction’s governing board) recognizes the importance of reducing or eliminating those vulnerabilities for the overall good and welfare of the community;

WHEREAS, Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5165, as amended by the Disaster Mitigation Act of 2000 provides for States and local governments to undertake a risk-based approach to reducing risks to natural hazards through mitigation planning;

WHEREAS, the Federal Emergency Management Agency has implemented various hazard mitigation planning provisions through regulation at 44.CFR 201.6 requiring local governments to have a FEMA approved Local Mitigation Strategy (LMS) in order to apply for and/or receive project grants;

WHEREAS, 44 CFR 201.6(d)(3) requires local jurisdictions to review and revise their LMS to reflect changes in development, progress in local mitigation efforts, and changes in priorities, and resubmit it for approval within five (5) years in order to continue to be eligible for mitigation project grant funding;

WHEREAS, the representatives and staff of (jurisdiction’s name) have identified, justified and prioritized a number of proposed projects and programs needed to mitigate the vulnerabilities to the impacts of future disasters; and

WHEREAS, these proposed projects and programs have been incorporated into the 2009 edition of the Orange County Local Mitigation Strategy that has been prepared and issued for consideration and implementation by the communities of Orange County.

Now therefore, be it resolved on this day, February 1, 2022 that,

- 1 1. The City of Belle Isle hereby accepts and approves its designated portion of the Orange County Local
- 2 Mitigation Strategy,
- 3 2. The staff of the City of Belle Isle are requested and instructed to pursue available funding
- 4 opportunities for implementation of the proposals designated therein,
- 5 3. The City of Belle Isle will, upon receipt of such funding or other necessary resources, seek to
- 6 implement the proposals contained in its section of the strategy, and
- 7 4. The City of Belle Isle will continue to participate in the updating and expansion of the Orange County
- 8 Local Mitigation Strategy in the years ahead, and
- 9 5. The City of Belle Isle will further seek to encourage the businesses, industries and community groups
- 10 operating within and/or for the benefit of the City of Belle Isle to also participate in the updating
- 11 and expansion of the Orange County Local Mitigation Strategy in the years ahead.

12
 13 ADOPTED at a regular meeting of the City Commission of the City of Belle Isle held at City Hall 1600
 14 Nela Avenue, Belle Isle, FL 32809, on the February 1, 2022.

15
 16 _____
 17 NICHOLAS FOURAKER, MAYOR

18
 19 So resolved, Attest: _____
 20 Yolanda Quiceno, CMC-City Clerk

21
 22 _____
 23 Approved as to form and legality
 24 City Attorney

1 STATE OF FLORIDA

2 COUNTY OF ORANGE

3 I, YOLANDA QUICENO, CITY CLERK OF BELLE ISLE, FLORIDA, do hereby certify that the above and foregoing
4 Resolution 22-08 was duly and legally passed and adopted by the Belle Isle City Council in session
5 assembled. At this session, a quorum of its members was present on the _____ day of _____
6 2022.

7

8 _____

9 Yolanda Quiceno, City Clerk

10

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

Meeting Date: January 4, 2022

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Swann Deck Replacement Project Bid

Background: At the January 4, 2022 Council meeting, the City Council approved the bid of Price Construction in the amount of \$38,680 to construct a new deck at Swann Beach. The Council also requested that we see what the addition cost would be to add a walkway and platform over the storm drainage outfall structure so it could also be used by park visitors. Price Construction presented a proposal for this addition in the amount of \$32,135.00. This will be a good addition to the park as it will allow for a second deck and reduce the potential liability of visitors walking out on the outfall structure. Although a sketch of the project is included, if the proposal is approved, the contractor will have formal plans drawn up.

Staff Recommendation: Approve the additional funding for the project.

Suggested Motion: I move we approve funding in the amount of \$32,135.00 for the additional decking at Swann Beach.

Alternatives: Do not accept the proposal

Fiscal Impact: \$32,135.00 from ARPA funding.

Attachments: Price Proposal
Sketch of the project

Price Construction, Inc.
P.O. Box 590062
Orlando, Florida 32859
Phone 407-857-7416

Certified General Contractor
CGC# 047177
Cell 407-509-6555
Ppriceinc92@gmail.com

To: City of Belle Isle
1600 Nela Ave.
Belle Isle, Florida 32809

Project: Swann Beach
Additional Dock Work

Price Construction Inc. is pleased to provide this cost proposal for the additional work at Swann Beach to add approximately 60 lineal feet of deck. The deck will extend approximately 30' from the main deck that is to be built per the original contract. Additional deck is to come off the southeast corner and run along and past the existing manhole. The deck will then turn and go out into the water for approximately 30' and cover the existing drainage pipes. The deck will terminate at the existing concrete headwall. New deck is not to cover the end of the headwall so it can be maintained by COBI staff. The new deck is to be 10' wide. Post will be 6"x6" treated. All framing will be pressure treated. All decking is to be composite to match the main deck area. Rails will also be composite and run horizontal to match the main deck build. Top rail will be made of composite material as well. Supply engineered drawings for approval.

Total Amount of Proposal \$32,135.0

Thank you for the opportunity to provide pricing for this additional work. If you have any questions or need anything further, please feel free to contact me.

Phil Price
Price Construction Inc.
407 509-6555

Lake Conway

b.

Existing concrete over pipe

Existing concrete headwall

new proposed deck

waters edge

Existing man hole

steps to water

Approved deck area

new wooden work to deck

Existing concrete sidewalk

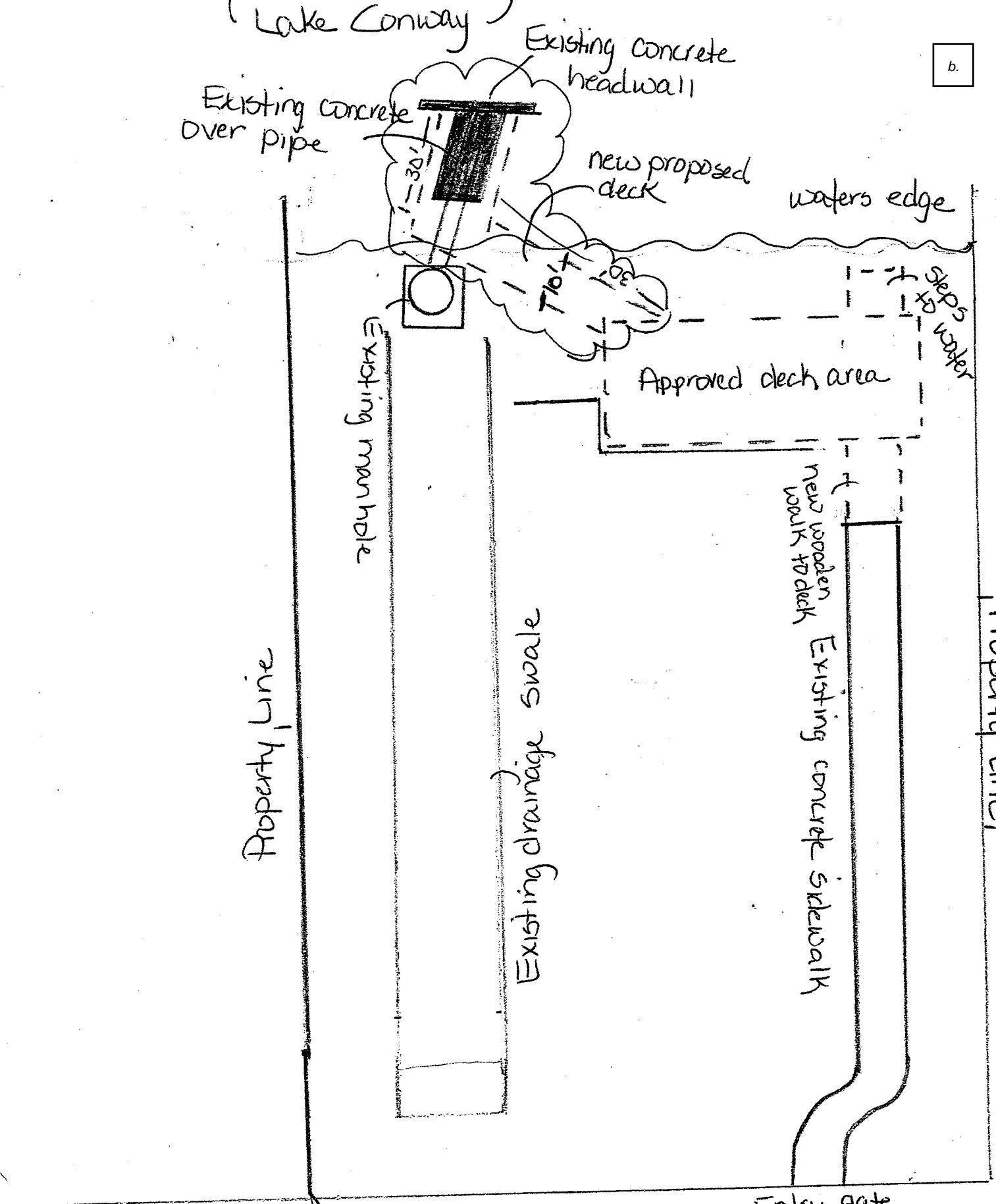
Property line

Property line

Existing drainage swale

Entry gate

Swann Park Deck Replacement





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

Meeting Date: February 1, 2022

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Donation for Purchase of Traffic Calming Signs

Background: The City was notified that a resident wanted to donate funds necessary to purchase two pole mounted speed signs with alert strobes to be placed on Hoffner Avenue. In accordance with the City’s Donation Policy, unrestricted donations of more than \$5,000 and restricted donations of more than \$500 must be brought to the City Council for approval and acceptance. These signs are in addition to the signs already in place on Hoffner.

Staff Recommendation: Approve the donation.

Suggested Motion: I move that we approve donation of Edison Hamann in the amount of \$8,054.00 for the purchase two pole mounted speed signs with alert strobes.

Alternatives: Do not accept the donation

Fiscal Impact: \$8,054.00 in revenue.

Attachments: Memorandum from Chief Houston
Copy of Executed Donation Agreement
Copy of Donation Receipt
Quotation for the equipment



Belle Isle Police Department

January 27, 2022

Interoffice Memorandum:

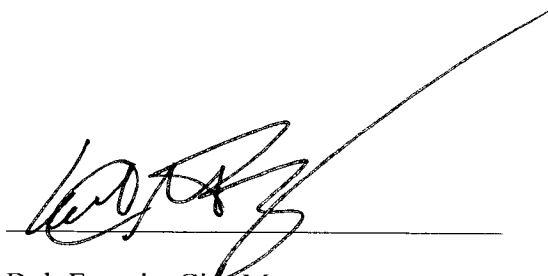
TO: Bob Francis
City Manager

FROM: Chief Laura Houston *LA*

RE: Request to Accept Donation for Traffic Calming Signs

Belle Isle resident Edison Hamann, who resides at 5136 Belleville Avenue, wishes to donate \$8,054.00 to the City of Belle Isle to purchase two pole mounted speed signs with alert strobes to be placed at or near the intersection of Belleville Avenue and Hoffner Avenue as traffic calming devices. A Donation Acceptance Agreement was completed. Installation of the devices will be performed by the City of Belle Isle Public Works Department.

I am respectfully requesting the City of Belle Isle Police Department accept this donation.



Bob Francis, City Manager

Approved
Disapproved

EXHIBIT A – SAMPLE DONATION ACCEPTANCE AGREEMENT



DONATION ACCEPTANCE AGREEMENT

²⁰²² This Donation Acceptance Agreement (the "Agreement") is made this 27 day of JANUARY, ~~2019~~ by and between the City of Belle Isle, a Florida municipal corporation whose mailing address is 1600 Nela Avenue, Belle Isle, FL 32809 (the "City"), and EDISON HAMANN, whose mailing address is 5136 BELLEVILLE AVE (the "Donor"). The parties hereby agree as follows:

1. **Donation.** Donor wishes to donate certain property or funds to the City, described as follows: PERSONAL CHECK / 2-PMG IS (the "Donation Property"). To the extent that the Donation is non-monetary, Donor's estimate of its current value is: \$ 8,054.00.

2. **Intended Use.** It is the intent of the parties that the Donation Property be used by the City for the following purpose: TRAFFIC CALMING DEVICE ON HOFFNER AVE (the "Intended Use"). Donor acknowledges that the City's use of the Donation Property for the Intended Use may be contingent upon various factors including but not limited to budgeted funds, continuation of certain City programs or facilities, City plans, and other matters. The City's failure to use the Donation Property for the Intended Use for any reason shall not constitute a breach of this Agreement nor entitle Donor to return of the Donation Property.

3. **Acceptance and Delivery.** Upon execution of this Agreement by both parties (the "Effective Date"), the City hereby accepts and the Donor relinquishes all claims to and rights in the Donation Property. Donor shall take any and all additional actions necessary to deliver the Donation Property to the City, to relinquish any of Donor's claims and rights in the Donation Property, and to transfer ownership of the Donation Property to the City.

4. **Donor's Representations.** Donor hereby represents and warrants that Donor is the lawful owner of the Donation Property with full authority to donate the Donation Property to the City as provided in this Agreement. Donor further represents and warrants that all statements and assertions made by Donor to the City in this Agreement and otherwise in relation to the Donation Property are true and accurate to the best of Donor's knowledge.

5. **Indemnification.** Donor hereby indemnifies and holds harmless the City and its elected and appointed officials, employees, and agents, from and against any and all liabilities, claims, demands, losses, expenses, damages, fines, fees, penalties, suits, proceedings, actions, costs, and other liabilities, including without limitation litigation costs and attorney's fees for trials and appeals, claimed or asserted by or on behalf of any person who is the actual owner or co-owner of the Donation Property at the time this Agreement is executed. This paragraph shall survive termination, expiration, and completion of this Agreement.

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

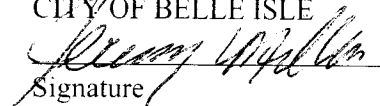
7. **Entire Agreement.** This Agreement constitutes the entire agreement of the parties and supersedes all previous promises, negotiations, representations, and statements with respect to its subject matter. This Agreement may not be modified or amended except by a written instrument equal in dignity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

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

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

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

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

CITY OF BELLE ISLE

Signature
JEREMY MILLIS
Print Name
LIEUTENANT
Position
1/27/22
Date

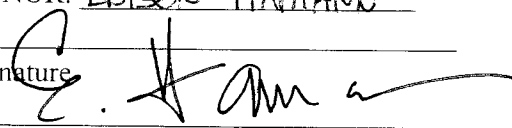
DONOR: EDISON HAMANN

Signature
Edison Hamann
Print Name
Position/Title (If Donor is an entity)
1/27/22
Date

EXHIBIT B – SAMPLE DONATION RECEIPT



City of Belle Isle Donation Receipt

This is to confirm that on 1/27/22 [insert date] the City of Belle Isle received from Edison Hamann [insert donor name and address]:

a monetary contribution of \$ 8,054.00

a non-monetary contribution consisting of [describe goods, services, property, securities, etc.]:

No goods or services were provided by the City of Belle Isle in return for the contribution.

The City sincerely appreciates your donation.

Bob Francis
City Manager
City of Belle Isle



QUOTE
2058880

c.

applied concepts, inc.

855 E. Collins Blvd
Richardson, TX 75081
Phone: 972-398-3780
Fax: 972-398-3781

National Toll Free: 1-800- STALKER

Page 1 of 1

Date: 01/26/22

Inside Sales Partner: Brooke Journey
+1-469-656-8011
brookej@stalkerradar.com

Reg Sales Mgr: Scott Berry
+1-972-837-5129
scottb@stalkerradar.com

Effective From : 01/26/2022

Valid Through: 04/26/2022

Lead Time: 45 working days

Bill To: City of Belle Isle 1600 Nela Ave Belle Isle, FL 32809-6184	Customer ID: 8870 Accounts Payable	Ship To: Belle Isle Police Department 1600 Nela Ave Belle Isle, FL 32809-6184	<i>FedEx Ground</i> Lieutenant Jeremy Millis
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Grp	Qty	Package	Description	Wrnty/Mo	Price	Ext Price
1	2	836-0015-00	PMG 15 Inch Display with Traffic Analyst	24	\$3,950.00	\$7,900.00
	Ln	Qty	Part Number	Description	Price	Ext Price
	1	2	200-1315-00	15" PMG w/Traffic Analyst, configured with:		\$0.00
	2	2	011-0269-00	Pole Mount Graphics Operator Manual		\$0.00
	3	2	035-0002-21*	15" and 18" PMG Shipping Box		\$0.00
	4	8	035-0002-20	PMG Corner Packing Foam		\$0.00
	5	2	060-1000-24	24-Month Warranty		\$0.00
	6	2	200-1285-00	15"PMG Speed Display		\$0.00
	7	2	200-5542-10	15" PMG Controller, Conformal Coated		\$0.00
	8	2	200-1285-10	15" PMG Bezel, White		\$0.00
	9	2	200-1339-10	15" PMG Red/Blue Alert Strobes		\$0.00
	10	2	062-0126-01	PMG Text and Graphics Option		\$0.00
	11	2	200-1285-50	No Flash Selected		\$0.00
	12	2	200-1285-55	15" PMG Pole Mount		\$0.00
	13	2	047-1000-00	PMG Power Cover (1 per side)		\$0.00
	14	2	200-1221-00	PMG Solar Power Controller Module		\$0.00
	15	2	200-1298-01	15" PMG USB Port & USB Memory Stick		\$0.00
	16	2	200-1206-60	PMG 433MHz Key Fob and Controller		\$0.00
	17	2	200-1206-70	PMG Wireless Module		\$0.00
	18	2	200-1206-08	PMG Expanded Memory Option, 8GB SD Micro		\$0.00
	19	2	200-1330-50	PMG 50W Solar Power package		\$0.00
	20	2	200-1046-00	PMG Metal Tamper-Proof Battery Box		\$0.00
	21	2	155-2535-04	PMG Display to External Battery Cable, 4 feet		\$0.00
	22	2	200-1369-10	15" YOUR SPEED White Surround		\$0.00
Group Total						\$7,900.00

Product	\$7,900.00	Sub-Total:	\$7,900.00
Discount	\$0.00	Sales Tax 0%	\$0.00
Payment Terms: Net 30 days		Shipping & Handling:	\$154.00
		Total: USD	\$8,054.00

001

This Quote or Purchase Order is subject in all respects to the Terms and Conditions detailed at the back of this document. These Terms and Conditions contain limitations of liability, waivers of liability even for our own negligence, and indemnification provisions, all of which may affect your rights. Please review these Terms and Conditions carefully before proceeding.

PMG



Applied Concepts, Inc.
855 East Collins Blvd.
Richardson, Texas 75081
972.398.3780

1-800-STALKER

StalkerRadar.com

008-0063-00 Rev B

Copyright © 2020 Applied Concepts, Inc.
All Rights Reserved. Specifications are subject to change.

STALKER



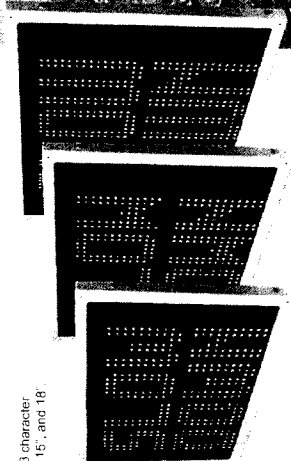
At its heart, Stalker Radar's Pole Mounted Graphics display (PMG) sets the standard for range and accuracy – all in a rugged, water resistant housing.

What makes it even more powerful is the ability to function as a variable message sign while communicating with your other NTCIP systems.

At the same time, traffic data analytics is captured for study and exported to pre-designed reports.

Pictured is a 12" PMG with optional MILCDO-compliant YOUR SPEED sign. The unit is powered by a 50-watt solar panel and a quad-bay battery backup system.

Available in 3 character heights: 12", 15", and 18".



2 | **For more information go to: slow-down.us**

Advanced Communication Options

GPIO

The PMG's optional General-Purpose Input/Output (GPIO) controller lets the unit receive external low voltage signals to start, change, or stop a message or a sequence of actions. The Output can be programmed to send a low voltage signal to any external programmable device when a single, or multiple, preset conditions are met.

Ethernet

The optional Ethernet module connects the PMG to a Network (LAN or WAN) through a standard RJ-45 connector. When using the Ethernet option, an internally hosted web page gives you full remote access to all PMG controls.

Short Range Wireless

The PMG can communicate with smart devices using a wireless option and standard wireless protocols. Setup operations, text message configuration, graphic design, radar management, traffic data, and scheduling are all executed from your iOS or Android powered device.

NTCIP

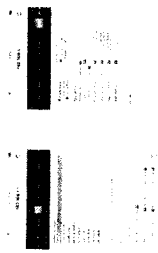
An optional NTCIP protocol module allows equipment from any manufacturer to provide "Sets and Gets" as if we are one closed-loop system. Set the PMG to assist you in efficiently flowing traffic, send icy condition or road closure warnings. Examples of Gets from the PMG are wrong way driver notification, or high water notification.

Wi-Fi

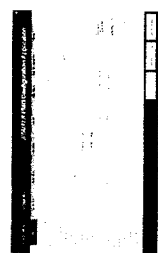
The Wi-Fi option allows the PMG to be connected to a network from which you gain full access to all settings through its internally hosted web page using the onboard Wi-Fi module. When not needed, the Wi-Fi system can be set to the Off mode to conserve power.



GPIO-driven messaging



Wi-Fi communication



Configuration

PC-Based Application

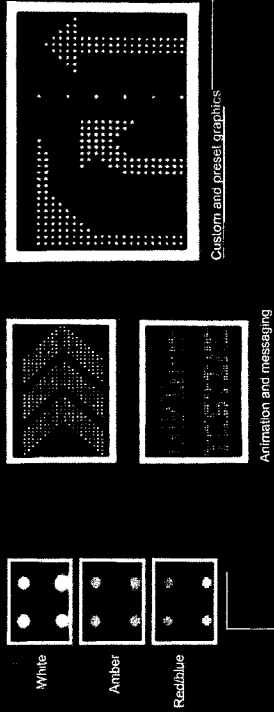
The PC-based PMG Configuration Application gives the user complete control over all PMG functions and options including school calendar, text/graphics, data collection, and more.

iOS and Android Apps

With the Wireless Control option, apps for both Android and iOS are available to manage your PMG.

For more information go to: slow-down.us

Add alert strobes - graphics and messaging



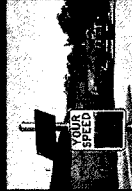
Custom and preset graphics

Animation and messaging

With connectivity comes control



Construction zone messaging

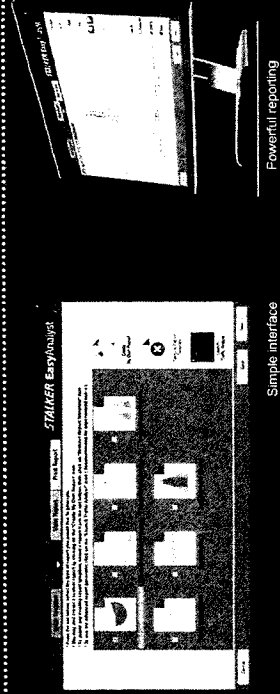


GPIO-driven messaging



Flood control warnings

Traffic data analytics included



Powerful reporting

Simple interface

Power Option	Graphic Messaging	Smart Range Wireless	Wi-Fi	GPIO	Simulated Flash	NTPC/P	Alert Strobes (3 choices)	Pole Mount	Hitch Mount	Mini Trailer Mount	YOUR SPEED sign	YOUR SPEED surround	Traffic Statistics Software
AC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Solar/Battery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quad-bay battery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

With 3 sizes to choose from and a wide variety of powerful options, the Stalker PMG can be customized to fit a range of applications.

Standard

Optional

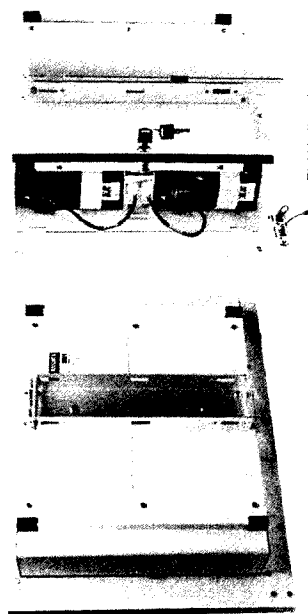
Battery Backpack

A compact, form-fitting battery enclosure eliminates the need for a separate battery box, allowing temporary installations without having to route power. Battery may be charged by AC/DC connection or by an optional solar panel system.



Quad-Bay System

A swappable configuration of one to four batteries, depending on power needs of the system. Batteries may be sourced locally and allow for plug and play power. Charging can be done separately, or while installed, using the optional solar panel system.



Battery doors closed

Right battery door open

Belle Isle Issues Log
2/1/22

a.

Issue	Synopsis	Start Date	Next steps
Traffic Issues/Projects	Increased traffic in and through Belle Isle prompted the Council adopt Traffic Master Plan and work on traffic calming issue.	4/3/2017	Adoption of Impact Fee Ordinance 2/1 with 3/1 Effective Date. OC requests for improvements to Judge/Daetwyler and McCoy (speed limit reduction; raised crosswalk; large trucks prohibited; new crosswalk at Conway Isles; all-way stop at Via Flora/McCoy) still being considered by OC. Feasibility of sidewalks on N side of Hoffner between Pleasure Island & Oak Island with RRFB installation. Staff reviewing TSP for other projects. Staff to contact Orange County to request city jurisdiction on Goldola from Perkins to McCoy.
Wallace Field	City purchased large area at Wallace/Matchett for open space. City zoned it for open space. City/CCA have an agreement for development including installing artificial turf, public restrooms, storage, and parking. CCA responsible for development.	2/1/2021	CCA to submit SJWMD Application for Environmental Resource Permit.
City acquisition of Property	Council discussed possibility of acquiring parcels within the City and directed City staff look at options on how to acquire property.	NA	City to hire Consultant to do Space Needs analysis to determine what type and size facility is need for City staff and BIPD. BIPD/Consultant also reviewing available properties for facility.
Charter School (CCA) Lease	CCA and City negotiated new lease agreement to allow CCA to finance expansion. BoA property is included in the new lease. City and CCA also developed Service Agreement for CCA to pay for City services provided to the school	6/1/2020	Lease and Service Agreements are executed. City staff will start the process completing whatever financial closeout that we need to do.

Belle Isle Issues Log
2/1/22

a.

Municipal Code Update	The City Council contracted with a planner to update the municipal code. There are sections of the BIMC that need to be updated. This is an on-going process.	4/3/2017	P&Z is looking at Accessory Dwelling Units. Code Enforcement is reviewing non-land development codes to determine what can be updated. Looking for replacment for Planner
Comp Plan Updates	The comp plan is reviewed every 7 years to see if it needs to be updated. The City Council contracted with a planner to update the comprehensive plan.	3/1/2017	Next plan review and changes are to be done in 2024.
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	Sienna Place residents to vote on May 11. Information supplied to Brixmor for their review to annex Publix Shopping Center. Will followup with Brixmor. Staff to develop "intrgration plan" for Sienna residents if annexation is approved. Staff to develop "Welcome Packet" for new residents.
Lake Conway Issues	Residents have complained that Lake Conway is unsafe due to speeding and reckless actions by some vessels. Council would like more local control over the lake.	6/1/2019	Discuss control issues with lobbyist and determine direction. Met with FWC Officials. FWC will be sending additional information to the City. City staff working on changes to the draft ordinance. Meeting scheduled with new FWC Regional Manager for February 10, 2022.
Lancaster House	CCA no longer wants Lancaster House and wants the property vacated for CCA Expansion Project. Neighbor wants house moved to her property to avoid demolition.	2/5/2019	Council to declare Lancaster House as surplus property with no value. An Agreement was drafted to allow neighbor to acquire and move the house. This issue may be on the CCA Board meeting Agenda for January 26, 2022. CCA voted not to allow the house to stay on the property. CCA/City will move forward with dmolition of the building.

Belle Isle Issues Log

2/1/22

a.

ARPA Funding	American Recovery Plan Act (ARPA) funds to be received from State for funding eligible projects. FLC estimates City will receive \$3.6 million in funding over 2 years	7/20/2021	Staff reviewing additional information as it becomes available. Initial reporting period extended for three months. Continuing to move forward with projects. Final Rule from Treasury recently released. Staff will prepare new list based on the Final Rule and present to Budget Committee in February.

PROTECTING TOGETHER

Project Sponsor	County	Project Title	Approximate Total Project Cost (dollars)	Local Match Amount	Expected RFGP Funding Total	Project Duration (years)
Islamorada, Village of Islands	Monroe	Founders Park Breakwater Restoration	\$1,903,754.00	\$0.00	\$1,903,754.00	2
Monroe County	Monroe	Harry Harris Park Resilient Redesign	\$200,000.00	\$100,000.00	\$100,000.00	2
Village of Islamorada	Monroe	Islamorada Transmission Main Adaptation	\$35,000,000.00	\$17,500,000.00	\$17,500,000.00	3
City of Fernandina Beach	Nassau	Historic Fernandina Beach Area 6 Drainage Project	\$725,000.00	\$199,375.00	\$525,625.00	2
City of Belle Isle	Orange	Sol Avenue Rebuild	\$492,155.00	\$295,293.00	\$196,862.00	1
City of Lake Worth Beach	Palm Beach	South Palm Park Sea Level Rise Mitigation	\$600,000.00	\$300,000.00	\$300,000.00	3
City of Lake Worth Beach	Palm Beach	Eden Place Sea Level Rise Mitigation	\$600,000.00	\$300,000.00	\$300,000.00	3
City of West Palm Beach	Palm Beach	Flagler Drive Area Underground Utilities Hardening	\$1,500,000.00	\$750,000.00	\$750,000.00	1
Palm Beach County	Palm Beach	Australian Avenue Drainage Improvements	\$31,063,067.44	\$17,705,949.00	\$13,357,119.00	3
Palm Beach County	Palm Beach	M-2 Bypass	\$389,324.00	\$194,662.00	\$194,662.00	2
Palm Beach County Water Utilities	Palm Beach	Western Region Wastewater Treatment Facility (WRWWTF) Operations Building Replacement	\$7,945,590.00	\$238,367.70	\$7,707,222.30	3





CITY OF BELLE ISLE, FL

1600 NELA AVENUE, BELLE ISLE, FL 32809 * TEL 407-851-7730
yquiceno@belleislefl.gov * www.belleislefl.gov

MEMORANDUM

From the Desk of Yolanda Quiceno, City Clerk

TO: Bob Francis, City Manager
DATE: February 1, 2022
RE: Surplus of Old Cell Phones

The following City mobile phones are no longer functional and do not hold the required software upgrades. I am requesting the following be surplus items. Please let me know if you need additional information.

Item	Serial #
IPhone 5s	DX3R4DUMFNJJ
IPhone 5s	F95QG1COFNJJ
IPhone SE	DX3TILEJH2XG
lphone 5s	DX3R4DUEFNJJ
lphone 5s	DX3R4OSLFNJJ
lphone 6s	Not working-Does not hold a charge

Yolanda Quiceno 2/1/2022

[Signature]

Approved X Deny _____

Spring Fling – Arbor Day Celebration

SE Committee Participation

April 30, 2022

The Tree Advisory Board with the cooperation of the SE Committee will be hosting the City of Belle Isle’s “Spring Fling” in recognition of Arbor Day. The SE Committee will be focusing on the entertainment side of the event by scheduling Food Trucks and amusement elements. The committee proposes renting inflatable attractions and providing complimentary ice cream cones to the attendees. No cost will be incurred by securing Food Trucks. We would like to book no fewer than three trucks in addition to the one providing the complimentary cones.

Inflatables /generator/staff	\$2000.00
Complimentary ice cream cones	\$600.00
Misc. expenses	\$400.00
Total proposed budget not to exceed:	\$3000.00

The committee would also like to request the approval of \$300.00 from the budget to have multi-event yard signs printed to promote this and future events.

Thank you for your consideration.

Holly Bobrowski
Chair – Special Events
