



# city council agenda

**Agenda**  
**September 18, 2018 \* 6:30 PM**  
**City Council Meeting**  
**City Hall Chambers 1600 Nela Avenue**

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

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

1. Call to Order and Confirmation of Quorum
2. Invocation and Pledge to Flag - Ed Gold, District 1 Commissioner
3. Second Public Budget Hearing and Adoption
4. Consent Items
  - a. Proclamation declaring October 23-31, 2018 National Red Ribbon Week – *Page 3*
  - b. Approval of the City Council Budget Workshop minutes – September 4, 2018 – *Page 4*
  - c. Approval of the City Council Regular Session minutes – September 4, 2018 – *Page 7*

### 5. Citizen's Comments

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

### 6. Unfinished Business

- a. **ORDINANCE 18-10 - SECOND READING AND ADOPTION:** AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, REGARDING VACATION RENTALS; CREATING A NEW ARTICLE III, CHAPTER 7 OF THE CITY CODE REGULATING VACATION RENTALS; PROVIDING FOR DEFINITIONS, PENALTIES, ENFORCEMENT, RESPONSIBILITIES OF DEPARTMENTS, APPEALS, NOTICE, IMMUNITY FROM PROSECUTION, CONSTRUCTION OF ARTICLE; PROVIDING FOR LICENSE REQUIREMENTS AND PROVISIONS INCLUDING BUT NOT LIMITED TO PROCEDURES, APPLICATIONS, MODIFICATIONS, DURATION, RENEWALS, AND NONTRANSFERABILITY; PROVIDING FOR VESTED RIGHTS/WAIVER/ESTOPPEL; PROVIDING FOR DUTIES OF VACATION RENTAL OWNER; PROVIDING FOR INSPECTIONS; PROVIDING FOR STANDARDS AND REQUIREMENTS FOR VACATION RENTALS INCLUDING BUT NOT LIMITED TO MINIMUM SAFETY AND OPERATIONAL REQUIREMENTS, OCCUPANCY, PARKING, NOISE AND LIGHT STANDARDS VIOLATIONS OF THE LAW, ADVERTISING, STATE AND COUNTY REGISTRATION, PROHIBITION OF OCCUPANCY, VIOLATIONS AND PENALTIES; PROVIDING FOR A SUNSET; PROVIDING FOR THE CONTINUED VALIDITY OF SECTION 7-30, CITY CODE; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. – *Page 12*

### 7. New Business

- a. **APPEAL of the Planning & Zoning Board’s decision to deny Public Hearing Case #2018-07-015.**  
Pursuant to Belle Isle Code Sec. 42-64, the Council shall consider and take action on a requested variance from Sec. 54-2 (a) Substandard Lots of Record, to allow for each individual lot (Lot 4 and Lot 5) that comprises the currently developed parcel to be redeveloped as individual lots instead of being required to be aggregated as one tract, and allow for a reduction from the Sec. 50-73.- Site and building requirements, for the R-1-AA required minimum lot width of 85 feet, in anticipation of a lot split request on the subject parcel, that would result in each lot respectively retaining their historical substandard lot width of 70.06 feet, submitted by applicant Nancy Conicella, Esquire, for the property located at 6820 Seminole Drive, Belle Isle, FL 32812 also known as Parcel #29-23-30-4389-02-040.

“If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.” (F. S. 286.0105). “Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk’s Office (407-851-7730) at least 48 hours in advance of the meeting.” –Page 1 of 86

- b. RESOLUTION NO. 18-11** - RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA ESTABLISHING THE AD VALOREM TAX LEVY UPON ASSESSED REAL AND BUSINESS PERSONAL PROPERTY TAX ROLES OF THE YEAR 2018. – *Page 37*
- c. RESOLUTION NO. 18-12** - RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA ADOPTING THE ANNUAL BUDGET OF THE CITY OF BELLE ISLE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019. – *Page 3*
- d. RESOLUTION NO. 18-13** - RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA ADOPTING THE FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM FOR FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2023. – *Page 42*
- e. RESOLUTION NO. 18-14** - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018, PROVIDING AN EFFECTIVE DATE. – *Page 44*
- f. RESOLUTION NO. 18-15** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, ADOPTING A POLICY GOVERNING REIMBURSEMENT OF PUBLIC OFFICERS AND EMPLOYEES OF THE CITY FOR ATTORNEYS’ FEES AND COURT COSTS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE. – *Page 51*

8. Attorney's Report

9. City Manager's Report

- a.** Issues Log – *Page 60*
- b.** NAV report – *Page 64*
- c.** Chief's Report
- d.** Tree Board Report

10. Mayor's Report

11. City Council Reports

12. Adjournment

Attachments

APPEAL of the Planning & Zoning Board’s decision to deny Public Hearing Case #2018-07-015 - – *Page 74*

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# CITY OF BELLE ISLE



## Declaring October 23-31, 2018 National Red Ribbon Week

- WHEREAS,** communities across America have been plagued by the numerous problems associated with illicit drug use and those that traffic in them; and
- WHEREAS,** there is hope in winning the war on drugs, and that hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the Young Marines of the Marine Corps League to foster a healthy, drug-free lifestyle; and
- WHEREAS,** governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and
- WHEREAS,** the red ribbon has been chosen as a symbol commemorating the work of Enriquee "Kiki" Camarena, a Drug Enforcement Administration agent who was murdered in the line of duty, and represents the belief that one person can make a difference; and
- WHEREAS,** the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and
- WHEREAS** October 23-31 has been designated National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment;



**WHEREAS, NOW, THEREFORE,** I Lydia Pisano, Mayor of the City of Belle Isle do hereby proclaim October 23-31, 2018 as RED RIBBON WEEK in the City of Belle Isle, Florida and urge all citizens to join me in this special observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused, this 18<sup>th</sup> day of September in the year of our Lord two thousand and eighteen.

\_\_\_\_\_  
Mayor Lydia Pisano

Attest:

\_\_\_\_\_  
Yolanda Quiceno, CMC-City Clerk



# city council minutes

## MINUTES September 4, 2018 \* 5:30 p.m. City Council Budget Workshop

The Belle Isle City Council met in a City Council Workshop on September 4, 2018, at 5:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present:

- Mayor Pisano
- Commissioner Gold
- Commissioner Carugno
- Commissioner Weinsier
- Vice Mayor/Commissioner Readey
- Commissioner Sims
- Commissioner Partin
- Commissioner Nielsen

Absent:

Also present: City Manager Bob Francis, Finance Manager Tracey Richardson, Chief Houston, and City Clerk Yolanda Quiceno.

Meeting audio is available on the City’s website at [www.cityofbelleislefl.org](http://www.cityofbelleislefl.org) and at City Hall.

**CALL TO ORDER**

Mayor Pisano called the meeting to order at 5:30 pm.

**FIRST BUDGET PUBLIC HEARING**

City Manager Francis presented the Fiscal Year 2018-2019 Preliminary Operating Budget and Budget Message in accordance with the Charter. He provided and gave a brief overview of the significant changes and highlights of the budget as follows,

**001 GENERAL FUND**

REVENUES

Millage to remain at 4.4018

Restructured accounts:

FROM		TO	
001-323-400	Franchise Fees – Gas	001-314-800	Utility Service Tax - Propane
001-232-200	Franchise Fees – Telecommunications	001-315-000	Communications Services Taxes

EXPENDITURES

**511 LEGISLATIVE**

- ✓ Election Expense (001-511-00-3150)
  - Renamed: was Elections – Professional Service
  - Zeroed out other elections lines (printing & binding and other current charges). All election expenses will be charged to Election Expense.
- ✓ Auditing & Accounting (001-511-00-3200)
  - \$28,135 Decrease (Due to forensic audit that was budgeted in FY 1718)
- ✓ Added Contractual Services (001-511-00-3400)
  - \$3,000 for strategic plan expenses

- ✓ Travel & Per Diem (001-511-00-400x)
  - Decreased from \$1,500/district to \$1,000/district

**512 EXECUTIVE MAYOR**

- ✓ Travel & Per Diem (001-512-00-4000)
  - Decreased from \$1,500 to \$1,000

**513 FINANCE AND ADMINISTRATION**

- ✓ Regular Salaries & Wages (001-513-00-1200)
  - 3% Cost of Living Adjustment (COLA)
  - 2% Merit
- ✓ Retirement (001-513-00-2200)
  - Increase from 9.5% to 11%

**519 GENERAL GOVERNMENT**

- ✓ Contractual Services (001-519-00-3400)
  - Decreased from \$80,000 to \$64,000 (due to \$15k for marketing budgeted in FY 1718)
- ✓ Landscaping Services (001-519-00-3420)
  - Moved to Public Works (Department 541)
- ✓ Urban Forestry (001-519-00-6490)
  - Moved to Public Works (Department 541)
- ✓ Neighborhood Grant Program (001-519-00-8310)
  - Remains at \$49,000 (\$7,000/district)

**521 POLICE**

- ✓ Regular Salaries & Wages (001-521-00-1200)
  - 3% Cost of Living Adjustment (COLA)
  - 2% Merit
  - 4% Additional Increase for Chief and Deputy Chief
  - 1% Additional Increase for Officers
- ✓ Retirement Contributions (001-521-00-2200)
  - Increase from 12.5% to 15% for non-civilian
  - Increase from 9.5% to 11% for civilian

**541 PUBLIC WORKS**

- ✓ Regular Salaries & Wages (001-541-00-1200)
  - 3% Cost of Living Adjustment (COLA)
  - 2% Merit
- ✓ Retirement Contributions (001-541-00-2200)
  - Increase from 9.5% to 11%
- ✓ Landscaping Services (001-541-00-3420)
  - Transferred from General Government (Department 519)
- ✓ Repairs & Maintenance – Parks (001-541-00-4670) – New Expense Line
- ✓ Repairs & Maintenance – Boat Ramps (001-541-00-4675) – New Expense Line
- ✓ Repairs & Maintenance – Roads (001-541-00-4680) – New Expense Line
- ✓ Urban Forestry (001-541-00-4690)
  - Transferred from General Government (Department 519)

## NON-DEPARTMENTAL

- ✓ Transfer to Capital Equipment Replacement Fund – establishes new fund 301
- ✓ Transfer to Charter Debt Service Fund - first transfer for Wallace Field

### 201 CHARTER DEBT SERVICE FUND

#### REVENUES

- ✓ Transfer in from General Fund \$150,000 (first transfer for Wallace Field)

#### EXPENDITURES

- ✓ Principal (201-569-00-7100)
  - Increase to repay Line of Credit utilized in FY 1718
- ✓ Interest (201-569-00-7200)
  - Increase to repay Line of Credit utilized in FY 1718

### 301 CAPITAL EQUIPMENT REPLACEMENT FUND

- ✓ \*New Fund\*

Mr. Francis spoke on Stormwater Fund and said the City has raised the fee an additional \$10.00. Stormwater issues in the City have been going on for many years and he has not seen any major projects that have been completed to accumulate a reserve. The last major project was the installation of the Baffle Boxes at Belle Vista which is currently having issues and creating a type of “sinkhole”. He spoke of the significant stormwater issues on Wind Drift, Nela, St. Partin and Seminole/Daetwyler and said we experience at least a pipe collapse once every 2-3 months.

In addition, he spoke about the different funding proposals as follows,

- Increase in non-advalorem for stormwater and garbage. He reminded Council that the garbage services fee will remain for one more year and a new RFP will be sent out in 2019 for continued services. The recycling market has bottomed out causing an increase per month per resident.
- Increase School Resource Officer grant for one additional year to support Pine Castle Elementary
- Health insurance increased 5%
- Reduction in Engineering fees due to the completion of the overdue NPDES reporting
- Increase in Fire services –This fee will increase every year due to the properties assessed value.
- Additional personnel was increased by two for Marine Patrol Officers
- HVAC replacement at the Charter School will occur during the Christmas break per contract.
- Street resurfacing and paving will be scheduled in the Nela area.
- Trentwood chicane will be completed later in the year.

Comm Weinsier asked for clarification on the two park projects. Mr. Francis said there are two projects to be completed this year; installation of the Cross Lake fence and parking and replacement of the Swann Beach benches.

## ADJOURNMENT

There being no further business, Mayor Pisano called for a motion to adjourn the Budget Workshop, unanimously approved at 6:07 p.m.

Yolanda Quiceno  
CMC-City Clerk



# city council minutes

**MINUTES**  
**September 4, 2018**  
**City Council Regular Session:**  
**Regular Session 6:30 pm**

The Belle Isle City Council met in a regular session on September 4, 2018, at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

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

Absent was:

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

### CALL TO ORDER

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

### LIFE-SAVING AWARD PRESENTATION

Chief Houston awarded Deputy Chief Grimm with a Life-Saving Award.

Mayor Pisano announced that on August 21, 2018, the Belle Isle Police Department was awarded the 2017 Rocky Pomerance Award and has been recognized as exemplifying the image of an innovative and visionary leader who furthered the mission of the Florida Police Chiefs Association and the law enforcement profession within Florida.

### CONSENT ITEMS

- a. Approval of the City Council Regular Session minutes – August 21, 2018  
**Vice Mayor Readey moved to approve the City Council Regular Session for August 21, 2018**  
**Comm Weinsier seconded the motion which passed unanimously 7:0.**

### FIRST PUBLIC BUDGET HEARING

Mayor Pisano opened for Public Comment on the First Public Budget Hearing FY 2018-2019. There no public comment, she closed public comment and opened for Council discussion.

City Manager Bob Francis said at the Budget Workshop he gave an overview of the highlights and structure of the Budget. He gave a brief summary of some of the changes as follows,

- Moving some funds from the General Fund to Public Works.
- A 5% total increase for employees that include a 3% COLA and 2% merit. In addition to the 5%, he is asking for an additional 1% increase for the Police Officers.
- Increase the retirement contributions from 9.5% to 11% for non-uniformed employees and from 12.5% to 15% for uniformed employees.
- Transfer \$150,000 from the General Fund to the Charter School Fund to repay the cost of the purchase of the Wallace Field
- The millage rate remains the same; and
- Increase in waste services from \$200 to \$235. This will be the last year for Republic Services. The City will go for an RFP in 2019.

**Comm Sims moved to approve the Preliminary Budget and move to a second reading on September 18, 2018.  
Comm Nielsen seconded the motion which passed unanimously 7:0.**

#### **CITIZEN COMMENTS**

Mayor Pisano opened for citizen comments.

- Richard Weinsier residing at 6824 Seminole Drive spoke in opposition of the lot split at 6820 Seminole Drive. He said he would like the record to show that he is against the variance and provided his statement for the record.  
Mr. Francis asked Mr. Weinsier when this variance was presented in 2017 he was in support of the request. What has changed from then to now? Mr. Weinsier said he knew the developer very well and knew his actions and reasons for the request. This time he is not sure of the intent of the current owner.
- Greg Gent residing at 2924 Nela Avenue shared his concern on lot splits in general. The information that was provided is very vague and the fact that there is a bargaining to solve a denial on a lot split is strange and should not have been considered. He is in agreement with Mr. Weinsier.
- Pam Love residing at 3543 Country Lakes said if approved she would like to offer her assistance and support to all residents and staff who would like to learn more about starting a short-term rental business.

Mayor Pisano welcomed former Mayor Crotty.

- Peter Kovechev residing at 5120 St. Germaine Avenue said the City of Orlando has allowed short-term rentals. He doesn't see any difference in the City of Belle Isle and ask that Council focus on the facts before making a decision.

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

**UNFINISHED BUSINESS** – no report.

#### **NEW BUSINESS**

ORDINANCE 18-10 - FIRST READING AND CONSIDERATION: AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, REGARDING VACATION RENTALS; CREATING A NEW ARTICLE III, CHAPTER 7 OF THE CITY CODE REGULATING VACATION RENTALS; PROVIDING FOR DEFINITIONS, PENALTIES, ENFORCEMENT, RESPONSIBILITIES OF DEPARTMENTS, APPEALS, NOTICE, IMMUNITY FROM PROSECUTION, CONSTRUCTION OF ARTICLE; PROVIDING FOR LICENSE REQUIREMENTS AND PROVISIONS INCLUDING BUT NOT LIMITED TO PROCEDURES, APPLICATIONS, MODIFICATIONS, DURATION, RENEWALS, AND NONTRANSFERABILITY; PROVIDING FOR VESTED RIGHTS/WAIVER/ESTOPPEL; PROVIDING FOR DUTIES OF VACATION RENTAL OWNER; PROVIDING FOR INSPECTIONS; PROVIDING FOR STANDARDS AND REQUIREMENTS FOR VACATION RENTALS INCLUDING BUT NOT LIMITED TO SAFETY, OCCUPANCY, BEDROOMS, FIRE SAFETY, PARKING, QUITE HOURS VIOLATIONS OF THE LAW, ADVERTISING, PROHIBITION OF OCCUPANCY, POSTING OF INFORMATION, AND OTHER PROVISIONS; PROVIDING FOR THE CONTINUED VALIDITY OF SECTION 7-30, CITY CODE; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

City Clerk read by title.

City Manager Francis said the only change, at the request of Council, was to add a sunset clause to the ordinance which should not substantially change the ordinance.

Comm Nielsen requested the following change to Section 7-65(b) as follows,

Sec. 7-65. - Duties of Vacation Rental Owner.

Every Vacation Rental Owner shall:

- a. Be available by landline or mobile telephone answered by the Vacation Rental Owner at the listed phone number 24-hours a day, seven days a week to handle any problems arising from the Vacation Rental; and
- b. (b) Be willing and able to be physically present at the Vacation Rental within a coordinated period of time ~~thirty (30) minutes~~ following notification from a Vacation Rental Occupant, law enforcement officer, emergency personnel, or the City of Belle Isle for issues related to the Vacation Rental, and shall actually be physically present at that location in that time frame when requested.



Sec. 7-70. – Parking Standards.

Discussion ensued on parking standards and having a car parked inside a garage or carport. Attorney Ardaman said the code is a policy and not a requirement and not legally required. Mr. Francis said the purpose of this regulation is to avoid having homeowners turn their garage into a living space and will align with the existing parking ordinance. After discussion, Council Consensus was to leave the provision as written.

The word “Host” was not defined and should be changed to “Vacation Rental Owner”.

Sec. 7-78 – Sunset Clause.

Council discussed having the Sunset Clause modified to be approved on a year-to-year basis. Attorney Ardaman said the clause does provide flexibility.

**Comm Readey moved to advance Ordinance 18-10 to second reading and adoption.**

**Comm Nielsen seconded the motion which passed 6:1 with Comm Carugno, nay.**

DISCUSS/APPROVE PROPOSAL TO RESOLVE THE APPEAL OF THE P&Z BOARD ON 6820 SEMINOLE DRIVE

Mr. Francis said on July 24<sup>th</sup> the P&Z Board denied the lot split request for 6820 Seminole Drive. He believes if the appeal is upheld the City will be involved in another Request for Relief. He met with the Engineering of the property owner and discussed other options. It looks as though the owner would be in agreement to build 10-12 homes on the lot since the majority of the residents were in favor of single-family homes in exchange for the possibility of allowing the lot split. This will save the City some attorney’s fees and mediation costs. However, after speaking with the City Attorney this may not be possible. Mr. Francis clarified for the record, that neither he nor the City is giving this developer any special treatment or services due to his community involvement.

Attorney Ardaman said depending upon how Council would like to precede the City may not want to combine the two options and act on them independently.

Comm Weinsier said he finds it disturbing that a developer feels they can use leverage from a decision on one property to another. He feels that the Council should defend the Code and the decision of the Planning & Zoning Board.

Comm Nielsen shared her concern with the developer and said she believes the current PD designation should stand and the developer should start his project. There is a moratorium in effect and Council cannot vote yes on any lot splits. She asked Attorney Ardaman if Council is required to approve his appeal. Attorney Ardaman said the actual appeal is of the denial of the variance, and the moratorium does not have any bearing on the hearing.

Comm Carugno shared his concerns and said the offer to have 10 homes instead of the 30 townhomes is a good idea to eliminate the added density, pollution, and boat and car traffic. Comm Carugno also stated that the City approached the developer with the proposed option and the developer was willing to open discussion. Mr. Francis said he saw an opportunity to resolve the concern and save the city additional legal fees and time.

Comm Gold said, for the record, he is not opposed to working with the contractor and avoid litigation.

Attorney Ardaman said there is no appeal before Council tonight and a decision is not required. The appeal is scheduled at a later date, on its own merits, and tonight’s discussion should have no bearing at all on granting or denying the appeal.

**After discussion, Comm Weinsier moved to deny the proposed request.**

**Comm Nielsen seconded the motion which failed 2:5 with Comm Gold, Comm Carugno, Comm Sims, Comm Readey and Comm Partin, nay.**

**Motioned failed. No action was taken.**

## SOCIAL MEDIA POLICY

Mr. Francis presented a revised Social Media Policy. The only significant change addressed was who is responsible for archiving a social media post. Mr. Francis found that, according to the Attorney General's office, when it comes to public officials they are responsible for maintaining the post for public record and should get a copy of that post to the custodian of record for archiving.

Council discussed the responsibility of responding to a public records request and the custodian of records under the law. Council consensus was to have the policy effective upon approval.

**After discussion, Comm Sims moved to adopt the Social Media Policy and require all officers and employees to adhere to the policy.**

**Comm Nielsen seconded the motion which passed unanimously 7:0.**

## **ATTORNEY REPORT**

Attorney Ardaman gave an update on the Cornerstone Charter School issue. The City of Edgewood has expressed their interest on the Board and would like to have the school remain as a Municipal school. He has not received an update from Orange County Schools on the number of students and homes that attend the school.

## **CITY MANAGER'S REPORT**

- Mr. Francis reported that, at the request of the Tree Committee, he will add a Tree Board report under City Manager comments moving forward.
- October 2<sup>nd</sup> at 2 pm the Board of County Commission will hold a public meeting on the Cross Lake Beach issue. The NAV Board did recommend approval.
- A reminder of the 3<sup>rd</sup> quarter deadline for articles is up and coming for the Belle Isle Newsletter.
- Mr. Francis gave an update on the issues log items.
  - Cornerstone is reviewing contracts changes for use of the field.
  - Due to a large amount of rain, the Lake Conway Shores project is on hold.
  - Working towards finalizing the Transportation Plan Traffic Study.
  - Orange County has notified the City that they will be looking at the significant traffic issues on Conway/Wawa. He will also be meeting with Orange County staff to discuss formalizing a partnership to discuss other problem traffic areas throughout the City that we do not have jurisdiction over.
  - Continue to look at funding options to purchase the Bank of America.
  - Charter School proposed purchase from the City - Mr. Francis submitted a few comments to the proposal for Council review and comment. The consultant is asking for comments before the school meeting.
  - FWC signs are being printed and should have by next week.
  - Pine Castle Urban Center meetings are scheduled for November—Community meeting, December—County Commissioners meeting, January—First Hearing and February – Second Hearing and Adoption.
  - Forensic Audit – the Draft report was received for review and Council should have a final document by the next City Council meeting.

## **CHIEF'S REPORT**

- Chief Houston reported that the property owner of the rope swing area will be reviewing the property to curtail unwanted activity.
- PD has solved two crimes in the City with fingerprint hits.

## **MAYOR'S REPORT**

Mayor Pisano provided a budget and brief overview for the "Teach a Kid to Fish Day". Mayor Pisano asked for approval of the event to be held in the City on October 20<sup>th</sup> with 100% of the funding to be received by grants. Council discussed holding the event at the Perkins Boat Ramp.

**Comm Weinsier motioned to approve the "Teach a Kid to Fish Day" to be held in the City on October 20<sup>th</sup>.**

**Comm Partin seconded the motion which passed unanimously 7:0.**

## COUNCIL REPORTS

### Comm Nielsen – District 7

- Comm Nielsen said Gilbert Park needs to have its weeds pulled.
- She also announced that she will be scheduling a District Meet and Greet at the Wawa.

### Comm Readey – District 5

- Comm Readey reported that Jack Kennedy has passed away and services will be held on Friday at St. John Vianney at 11:30 am.
- He has been reading about Academica and has found some unfavorable articles.

### Comm Carugno – District 3

- Comm Carugno asked for an update on the Balloon test on the McCoy property. Chief Houston said they used a certified laser and measured the distance. The results were sent to the City Manager for review. He reported that most of the trees were between 53-63 feet in height in the 150-foot buffer zone.
- He received an email and a few calls on the lake levels and asked if the City can speak with Orange County to relieve some of the boards. Mayor Pisano said the NAV Board said the water is at the high end however, they are not planning to remove any boards at this time.
- Reported the proposed Boat Parade suggested dates were December 14<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup>.

## ADJOURNMENT

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 8:30 p.m.

Yolanda Quiceno, CMC, City Clerk



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

**Meeting Date:** September 18, 2018

**To:** Honorable Mayor and City Council Members

**From:** B. Francis, City Manager

**Subject:** Short Term Rentals (STR)

**Background:** Minor changes to Ordinance 18-10, Short Term Rentals were made at the September 4, 2018 Council meeting and the ordinance was read for the first time. Ordinance 18-10 is now ready for second reading and adoption. The staff is in the process of developing the forms and procedures necessary to license short term rentals. Council has to set the appropriate fees for application which will include the inspection. An on-line search shows that fees range from \$200 (Destin) to \$1,000 (Islamorada). The Staff is recommending a license fee of \$500 for administration and inspections.

**Staff Recommendation:** Adopt Ordinance 18-10.

**Suggested Motion:** I move that we adopt Ordinance 18-10. I also move to adopt a registration and licensing fee of \$500.

**Alternatives:** Do not adopt

**Fiscal Impact:** TBD

**Attachments:** Ordinance 18-10 final version

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**ORDINANCE NO. 18-10**

**AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, REGARDING VACATION RENTALS; CREATING A NEW ARTICLE III, CHAPTER 7 OF THE CITY CODE REGULATING VACATION RENTALS; PROVIDING FOR DEFINITIONS, PENALTIES, ENFORCEMENT, RESPONSIBILITIES OF DEPARTMENTS, APPEALS, NOTICE, IMMUNITY FROM PROSECUTION, CONSTRUCTION OF ARTICLE; PROVIDING FOR LICENSE REQUIREMENTS AND PROVISIONS INCLUDING BUT NOT LIMITED TO PROCEDURES, APPLICATIONS, MODIFICATIONS, DURATION, RENEWALS, AND NONTRANSFERABILITY; PROVIDING FOR VESTED RIGHTS/WAIVER/ESTOPPEL; PROVIDING FOR DUTIES OF VACATION RENTAL OWNER; PROVIDING FOR INSPECTIONS; PROVIDING FOR STANDARDS AND REQUIREMENTS FOR VACATION RENTALS INCLUDING BUT NOT LIMITED TO MINIMUM SAFETY AND OPERATIONAL REQUIREMENTS, OCCUPANCY, PARKING, NOISE AND LIGHT STANDARDS VIOLATIONS OF THE LAW, ADVERTISING, STATE AND COUNTY REGISTRATION, PROHIBITION OF OCCUPANCY, VIOLATIONS AND PENALTIES; PROVIDING FOR A SUNSET; PROVIDING FOR THE CONTINUED VALIDITY OF SECTION 7-30, CITY CODE; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, Section 509.013, Florida Statutes, provides a distinction between "transient public lodging establishments," which are rented, or advertised or held out for rental to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less; and "nontransient public lodging establishments," which are rented, or advertised or held out for rental to guests for periods of at least 30 days or 1 calendar month, whichever is less; and

1           **WHEREAS**, Section 509.242(l) (c), Florida Statutes, further provides for a subset of transient public  
2 lodging establishments, called "Vacation Rental" which is any unit or group of units in a condominium or  
3 cooperative or any individually or collectively owned single-family, two-family, three-family or four-family  
4 house or dwelling unit that is also a transient public lodging establishment, but that is not a timeshare project;  
5 and

6           **WHEREAS**, Section 509.032(7)(b), Florida Statutes provides that, "A local law, ordinance, or regulation  
7 may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This  
8 paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011"; and  
9

10           **WHEREAS**, the Florida Attorney General's Office has recognized that "local governments may regulate  
11 vacation rentals, provided those regulations do not prohibit vacation rentals or restrict the duration or  
12 frequency of vacation rentals," AGO 2014-09; and  
13

14           **WHEREAS**, on March 4, 2008, the City adopted Ordinance No. 08-03 creating City Code Section 7-30  
15 prohibiting "short-term rentals, i.e., rentals for a term of less than seven months," which provision  
16 encompasses vacation rentals and is grandfathered in and constitutes a valid prohibition of vacation rentals  
17 under Section 509.032(7)(b), Florida Statutes; and  
18

19           **WHEREAS**, the City wishes to explicitly preserve Ordinance No. 08-03 and Section 7-30 of the City  
20 Code while allowing a subset of vacation rentals within the City which are owner-occupied and which meet  
21 the requirements under this Ordinance; and  
22

1           **WHEREAS**, the City finds that the regulations and requirements adopted by this Ordinance do not  
2 prohibit vacation rentals or restrict their duration or frequency; and

3  
4           **WHEREAS**, the City finds that the regulations and requirements adopted by this Ordinance are in the  
5 interests of the public health, safety, and welfare, in light of the following concerns:

6  
7           (1)       Residents residing within their residential dwellings are inherently familiar with the local  
8 surroundings, local weather disturbances, local hurricane evacuation plans, and means of egress from their  
9 residential dwellings, thereby minimizing potential risks to themselves and their families; and

10  
11           (2)       Visitors are typically not familiar with local surroundings, local weather disturbances, local  
12 hurricane evacuation plans, and means of egress from the Vacation Rentals in which they are staying, thereby  
13 increasing potential risks to themselves and their families, and putting an additional burden on, and  
14 potentially putting at risk, emergency personnel in the event of an emergency situation; and

15  
16           (3)       Certain illegal Vacation Rentals are presently located within the Residential Zoning  
17 districts of the City of Belle Isle; and

18  
19           (4)       Vacation Rentals, left unregulated, can and do create negative impacts within residential  
20 neighborhoods due to excessive noise, parking and traffic problems, excessive use and impact on public  
21 services and public works, and extreme size and greater occupancy; and

22  
23           (5)       Vacation Rentals situated within residential neighborhoods can disturb the quiet nature and  
24 atmosphere of the residential neighborhoods, and the quiet enjoyment of its residents; and

1 (6) Vacation Rentals located within established residential neighborhoods can and do, when  
2 unregulated, create negative compatibility impacts relating to extreme noise levels, late night activities,  
3 on-street parking issues and traffic congestion; and  
4

5 (7) A residential dwelling is typically the single largest investment a family will make with the  
6 residents of the residential dwelling desiring the tranquility and peaceful enjoyment of their neighborhood  
7 without excessive noise and increased parking issues and traffic congestion caused by transient occupants of  
8 Vacation Rentals; and  
9

10 (8) The City of Belle Isle has suffered an increase in the illegal establishment of Vacation Rentals,  
11 with no notice to the City; and  
12

13 (9) The City of Belle Isle has limited parking available and parking upon rights of way in residential  
14 neighborhoods is generally allowed for use of the residents. Therefore, it is vital for the City to keep on-street  
15 parking available for such use, and not allow such use to be reduced by off-site parking at Vacation Rentals.  
16

17 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA:**  
18

19 **SECTION 1: RECITALS.** The foregoing recitals are ratified and confirmed as being true and correct and  
20 are hereby made a part of this Ordinance.  
21

22 **SECTION 2: CITY CODE AMENDMENT.** There is hereby created a new Article III, Chapter 7 of the City  
23 Code, as follows:  
24



1           ARTICLE III. – VACATION RENTALS.

2           DIVISION 1. – IN GENERAL.

3           Sec. 7-50. – Definitions.

4           The following terms as used in this Article are defined as set forth hereinafter:

5  
6           "Bedroom" means any room in a Vacation Rental that contains 70 square feet or more, and which  
7           has a bed or other place for sleeping and a closet, but shall not include a bathroom, a kitchen, and  
8           one main living area. No room shall be considered to be a bedroom unless it was so designated on the  
9           plans submitted to the City for the construction of the building.

10  
11           "Continuing Violation" means a violation of this Article that is continuing in nature and for which  
12           there may be an opportunity to cure, such as, but not limited to, operation of a Vacation Rental  
13           without a currently valid Vacation Rental License, failing to acquire a modified Vacation Rental License  
14           when required, violations of minimum safety and operational requirements under this Article, and  
15           violations of the Florida Building Code, Florida Fire Code or Life Safety Code.

16  
17           "Occupant" means any person who occupies, either during the day or overnight, a Vacation  
18           Rental.

19  
20           "Owner-Occupied" means an activity whereby a homeowner hosts visitors in their home, for periods  
21           of 30 consecutive days or less, while at least one of the primary residents lives on-site throughout the  
22           visitor's stay. The guest enjoys the non-exclusive shared use of the unit with at least one of the  
23           persons who is domiciled at the location.

1 "Primary Residence" means where the homeowner usually lives and can provide evidence such as a  
2 driver's license, income tax statement or property tax statement with a homeowner's exemption.

3  
4 "Sunset" means have no force or effect.

5  
6 "Transient public lodging establishments" means any unit, group of units, dwelling, building, or group  
7 of buildings within a single complex of buildings which is rented to guests more than three times in a  
8 calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is  
9 advertised or held out to the public as a place regularly rented to guests.

10  
11 "Transitory Violation" means a violation of this Article that is transitory, transient, or temporary in  
12 nature, such as, but not limited to, a violation of quiet hours or pool hours, maximum  
13 occupancy violations, parking in the right of way, failure to make Vacation Rental available for  
14 inspection as required herein, failure of Rental Agent to comply with the duties of a Vacation Rental  
15 Agent as set forth in this Article, and failure to have required postings at the Vacation Rental.

16  
17 "Vacation Rental" is any unit or group of units in a condominium or cooperative or any  
18 individually or collectively owned single-family, two-family, three-family or four-family house or  
19 dwelling unit that is also a transient public lodging establishment, but that is not a timeshare project.

20  
21 "Vacation Rental License" is a license granted pursuant this Article permitting the operation of a  
22 Vacation Rental.

1 “Vacation Rental Occupant” or “Occupant” is any individual who occupies a Vacation Rental for any  
2 length of time as the result of such Vacation Rental being rented to such individual or to the  
3 individual’s family member(s), friend(s), or companion(s).

4  
5 “Vacation Rental Owner” is the owner of the Primary Residence and shall have the same meaning as  
6 property owner..

7  
8 Sec. 7-51. – Penalties and Enforcement.

9  
10 (a) *Transitory Violations.* For Transitory Violations as defined herein, the Vacation Rental Owner, the  
11 Vacation Rental Agent, and/or the offending Vacation Rental Occupant(s), as applicable and without  
12 limitation, may each be deemed to be a "violation" as that term is used in Article III of Chapter 7 of the  
13 Code of Ordinances of the City of Belle Isle, and may be punished as follows. Each individual  
14 Transitory Violation shall constitute a separate and distinct violation, and if the Transitory  
15 Violation continues for more than one day, each day that the violation continues will be considered a  
16 separate and distinct violation. Any Transitory  
17 Violation may be punished by citation, as provided in the Belle Isle City Code and/or Chapter 162 of  
18 the Florida Statutes , including but not limited to the requirements of a reasonable warning prior to  
19 issuance of a citation; provided, however, such violation shall be subject to a fine in the amount of  
20 \$250.00, for the first offense, \$500.00 for the second and subsequent offenses, plus a suspension of  
21 the Vacation Rental License as provided hereinafter, for the third offense.

22  
23 (b) *Continuing Violations.* For Continuing Violations as defined herein, the Vacation Rental Owner, the  
24 Vacation Rental Agent, and/or the offending Vacation Rental Occupant(s), as applicable and without

1 limitation, may each be deemed to be a "violation" as that term is used in Article III of Chapter 7 of the  
2 Code of Ordinances of the City of Belle Isle, and may be punished as follows. Each day a violation  
3 exists shall constitute a separate and distinct violation. Continuing Violations may be punished by  
4 citation, as provided in the Belle Isle City Code and/or Chapter 162 of the Florida Statutes, including  
5 but not limited to the requirements of a reasonable warning prior to issuance of a citation; or through  
6 the Code Enforcement Magistrate procedure as provided under the Belle Isle City Code;  
7 provided, however, such violations shall be subject to a fine in the amount of \$250.00, for the first  
8 offense, \$500.00 for the second and subsequent offenses, plus a suspension of the Vacation Rental  
9 License as provided hereinafter, for the third offense.

10  
11 (c) Other enforcement methods and penalties. Notwithstanding anything otherwise provided herein,  
12 violations of this Article shall also be subject to all the enforcement methods and penalties that may  
13 be imposed or available for the violation of ordinances of the city as provided in Article III of Chapter 7  
14 of the Code of Ordinances of the City of Belle Isle, any other applicable provision of the Code of  
15 Ordinances, or as provided by state statute. Nothing contained herein shall prevent the City of Belle  
16 Isle from seeking all other available remedies which may include, but not be limited to, injunctive  
17 relief, abatement of public nuisance, liens, fines, imprisonment, and other penalties as provided by  
18 law. A violation of this code of ordinances shall also mean and refer to any specified criminal offense  
19 as set forth in chapters 775 through 896, Florida Statutes.

20  
21 (d) No Occupant shall occupy a Vacation Rental, and no advertisement for the Vacation Rental  
22 shall occur during any period of suspension of a Vacation Rental's Vacation Rental License.

23  
24 Sec. 7-52. – Responsibilities of Departments.

1 The ultimate responsibility for the administration of this Article is vested in the City Council.  
2 The City Manager or his or her authorized designee is responsible for granting, denying, revoking,  
3 renewing, modifying, suspending and canceling Vacation Rental Licenses for proposed and existing  
4 Vacation Rentals as set forth in this Article. Additionally, the City Manager or his or her authorized  
5 designee is responsible for inspecting any proposed or existing Vacation Rental in order to ascertain  
6 compliance with this Article, and all applicable building codes, fire and life safety codes, statutes,  
7 ordinances and regulations.

8  
9 Sec. 7-53. – Appeals

10  
11 Any decision of the City Manager or his or her authorized designee relating to the grant,  
12 denial, revocation, renewal, modification, suspension or cancellation of a Vacation Rental License  
13 under this Article shall be rendered in writing, and such written decision may be appealed to the City  
14 Council if a notice by the applicant is filed with the City Clerk within ten (10) days after the written  
15 decision is issued. The City Clerk shall place the matter on the agenda of an upcoming meeting of the  
16 City Council, at which the application and related materials will be reviewed, and a determination to  
17 uphold, overturn, or modify the written decision may be made. The review and decision of the City  
18 Council is not a de novo review and should be based on the application and matters submitted,  
19 considered, and pursuant to which the challenged decision was made. The decision of the City Council  
20 shall be final and shall be rendered in writing in appealable form. Such final decision may be  
21 reviewed as permitted under Florida law.

1           Sec. 7-54. – Notice.

2  
3           Any notice required under this Article shall be accomplished by sending a written notification by U.S.  
4           Mail, postage paid, to the mailing address of the property owner set forth on documents filed with  
5           the City of Belle Isle under this Article, which shall be considered for all purposes as the correct  
6           address for service, or by personal service or delivery to the property owner.

7  
8           Sec. 7-55. – Immunity from prosecution.

9  
10          The City of Belle Isle, the City Council, the Mayor, the City Commissioners, and any of the City's  
11          departments or agents, and any law enforcement officer shall be immune from prosecution,  
12          civil or criminal, for reasonable, good-faith trespass upon a Vacation Rental while acting within the  
13          scope of this Article.

14  
15          Sec. 7-56. – Construction of Article.

16  
17          (a) This Article shall be liberally construed to accomplish its purpose of regulating Vacation  
18          Rentals, protecting the residential character of Belle Isle, the health, safety, and general welfare  
19          of its residents and visitors, and the quiet enjoyment by Belle Isle's residents of their residential  
20          property.

21  
22          (b) Neither this Article nor any provision contained herein shall be construed to override, repeal,  
23          waive, eliminate, suspend, or in any way invalidate or make ineffective the prohibition on short-term  
24          rentals provided for in Section 7-30 of the City Code, and such provision remains in full force and

1 effect and shall continue to apply without interruption to the extent that a vacation rental or short-  
2 term rental is not allowed under this Article.

3  
4 DIVISION II. – VACATION RENTAL LICENSE.

5  
6 Sec. 7-57. - License required.

7  
8 After the effective date of the passage of this Ordinance, an active Vacation Rental License shall be  
9 required to operate a Vacation Rental within the City of Belle Isle and an application providing for all  
10 of the requirements, consents and waivers of this Ordinance shall be completed and submitted to the  
11 City by the owner of the property for which a Vacation Rental is sought. After the effective date, only  
12 Vacation Rentals holding an active Vacation Rental License issued by the City of Belle Isle may operate  
13 within the City. The Vacation Rental License shall not be issued by the City of Belle Isle under this  
14 Article unless the building in which the Vacation Rental is or will be located is in full compliance  
15 with this Article. No person operating a Vacation Rental prior to the adoption of this Ordinance has  
16 any pre-existing rights under this Article or otherwise to continue operating such Vacation Rental  
17 without obtaining a Vacation Rental License under this Article. By obtaining a vacation rental license,  
18 the Vacation Rental Owner, applicant and agent: (i) consent to the City’s inspection and entering of  
19 the Vacation Rental, the Primary Residence and the parcel of land upon which such are located to  
20 evaluate and determine whether the requirements of this Article have been and continue to be  
21 satisfied; (ii) agree and consent that if this Ordinance Sunsets, their Vacation Rental License shall  
22 expire on the date that the Ordinance Sunsets, they have no right to a Vacation Rental in the City and  
23 they waive all claims against the City for such.

1           Sec. 7-58. - Permitted by HOA.

2  
3           Prior to the application for a Vacation Rental License: If a residential property is within a homeowners  
4           association (HOA), the homeowner should check whether there are further limitations on the use of  
5           the property through their particular HOA's private Codes, Covenants and Restrictions (CC&R's). The  
6           resident shall notify the HOA in writing of the property owner's intent to apply for a Vacation Rental  
7           License prior to applying for a license. The written notification to the HOA shall be included with the  
8           City application.

9  
10          Sec. 7-59. Modification of Vacation Rental License.

11  
12          An application for modification of a Vacation Rental License shall be required in the event that any of  
13          the following changes to the Vacation Rental are proposed:

14  
15          (1) An increase in the gross square footage of the Vacation Rental.

16          (2) An increase in the number of bedrooms in the Vacation Rental.

17          (3) An increase in the maximum occupancy of the Vacation Rental.

18          (4) An increase in the number of parking spaces, or a change in the location of parking  
19          spaces for the Vacation Rental.

20          (5) An increase in the number of bathrooms in the Vacation Rental.

21          (6) Any other material modifications that would increase the intensity of use of the Vacation  
22          Rental.



1           Sec.7-60. - Duration of Vacation Rental License.

2  
3           A Vacation Rental License shall be valid for until the earlier of the date that is two (2) years  
4 after the date of issuance and the date this Ordinance Sunsets.

5  
6           Sec. 7-61. - Renewal of Vacation Rental License.

7  
8           A Vacation Rental Owner must apply for a renewal of the Vacation Rental License no later  
9 than sixty (60) days prior to the expiration date of the previous Vacation Rental License. It is the  
10 responsibility of the Vacation Rental Owner to know when the renewal period is.

11  
12           Sec. 7-62. - Initial and Periodic Compliance Inspections of Vacation Rentals.

13  
14           (a) Inspection of a Vacation Rental to verify compliance with this Article and the Florida Fire  
15 and Life Safety Codes, shall be required prior to issuance of an initial Vacation Rental License. If  
16 instances of noncompliance with the standards and requirements set forth in this Article are found, all  
17 such instances of noncompliance shall be corrected and the Vacation Rental shall be re-inspected  
18 prior to the issuance of an initial Vacation Rental License.

19  
20           (b) Once a Vacation Rental License is issued for a Vacation Rental, such Vacation Rental shall be  
21 properly maintained in accordance with the standards and requirements set forth in this Article. The  
22 City may establish a schedule to re-inspect such Vacation Rental as to ensure compliance with the  
23 standards and requirements set forth in this Article and the Belle Isle Code of Ordinances. All  
24 violations of this Article or the Belle Isle Code of Ordinances identified in such inspection shall be

1 corrected and re-inspected within 30 calendar days after the issuance of a notice of violation, with  
2 the exception of life safety violations, which must be corrected within three (3) working days.  
3 Failure to correct such violations within the timeframes provided shall result in the suspension of the  
4 Vacation Rental License until such time that the violations are corrected, re-inspected, and found in  
5 compliance.

6  
7 (c) The City may inspect a Vacation Rental at any time upon reasonable notice to the  
8 Vacation Rental Owner. If a City inspector has made an appointment with Vacation Rental Owner for  
9 an inspection, and the City inspector is unable to complete the inspection as a result of an action or  
10 inaction of the Vacation Rental Owner, the Vacation Rental shall be charged a "re-inspection" fee  
11 in an amount set by resolution of the City Council to cover the inspection expense incurred.  
12 The re-inspection fee shall be paid prior to scheduling the re-inspection.

13  
14 (d) If, after two attempts, a City inspector is unable to complete an inspection of a Vacation Rental  
15 as a result of an action or inaction of the Vacation Rental Owner, the Vacation Rental License shall be  
16 suspended until such time that the Vacation Rental is inspected and found in compliance.

17  
18 Sec. 7-63. - Vacation Rental License non-transferable, non-assignable.

19  
20 Vacation Rental Licenses are non-transferable and non-assignable. If the ownership of any  
21 Vacation Rental is sold or otherwise transferred, any outstanding Vacation Rental License as to that  
22 Vacation Rental shall be null and void upon the sale or transfer.

1           Sec. 7-64. Vested Rights/Waiver/Estoppel

2  
3           The issuance of a Vacation Rental License shall not be construed to establish any vested rights or  
4           entitle the license holder to any rights under the theory of estoppel. Issuance of a Vacation  
5           Rental License shall not be construed as a waiver of any other requirements contained within the City  
6           of Belle Isle City Code or Comprehensive Plan, and is not an approval of any other code requirement  
7           outside this Article. The receipt of a Vacation Rental License is not an approval of a use or activity that  
8           would otherwise be illegal under Florida law, the Florida Building Code, the Florida Fire Code or Life  
9           Safety Code, or in violation of the Belle Isle City Code or Comprehensive Plan.

10  
11           DIVISION III. VACATION RENTAL OWNER.

12  
13           Sec. 7-65. - Duties of Vacation Rental Owner.

14  
15           Every Vacation Rental Owner shall:

16           (a) Be available by landline or mobile telephone answered by the Vacation Rental Owner at the  
17           listed phone number 24-hours a day, seven days a week to handle any problems arising from the  
18           Vacation Rental; and

19  
20           (b) Be willing and able to be physically present at the Vacation Rental within a coordinated period  
21           of time thirty (30) minutes following notification from a Vacation Rental Occupant, law  
22           enforcement officer, emergency personnel, or the City of Belle Isle for issues related to the Vacation  
23           Rental, and shall actually be physically present at that location in that time frame when requested.;  
24           and

1  
2 DIVISION 4. STANDARDS AND REQUIREMENTS FOR VACATION RENTALS

3  
4 Sec. 7-66. - Generally

5  
6 The standards and requirements set forth in the Article shall apply to the rental, use, and  
7 occupancy of Vacation Rentals in the City of Belle Isle.

8  
9 Sec. 7-67. - Owner-Occupied.

10  
11 All Vacation Rentals in the City of Belle Isle shall be owner-occupied, as such term is defined under  
12 Section 7-50 of this Article. A Vacation Rental shall not be considered owner-occupied if not occupied  
13 by one of the primary residents for a period longer than twenty-four hours while rented to a Vacation  
14 Rental Occupant.

15  
16 Sec. 7-68. - Minimum safety and operational requirements.

17  
18 Vacation Rentals in the City of Belle Isle shall meet the following minimum safety and  
19 operational requirements, and the applicable standards under the Belle Isle Municipal Code and  
20 the Florida Fire Code and Life Safety Code.

21  
22 (a) *Swimming pool, spa and hot tub safety.* A swimming pool, spa or hot tub offered or made  
23 available as an amenity at a Vacation Rental shall comply with the current standards of the  
24 Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes.

1  
2 (b) Bedrooms. All bedrooms within a Vacation Rental shall meet the applicable requirements of the  
3 Florida Fire Code and Life Safety Code.

4  
5 (c) Smoke and carbon monoxide (CO) detection and notification system. An interconnected, hard-  
6 wired smoke alarm and carbon monoxide (CO) alarm system shall be installed within the  
7 Vacation Rental and maintained on a continuing basis consistent with the requirements of Section  
8 R314, Smoke Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida Building Code -  
9 Residential.

10  
11 (d) Legible Address: The address of the Vacation Rental shall be large enough to see from the street  
12 and be made of a reflective material or lighted so it can be read from the street at night.

13  
14 Sec. 7-69. - Maximum occupancy based on site capacity limitations.

15  
16 The maximum occupancy of a Vacation Rental shall be limited to the lesser of:

17  
18 (1) Two persons per bedroom within the Vacation Rental (counting only those rooms that satisfy the  
19 definition of bedroom under this Article). There will be a maximum of two bedrooms per Vacation  
20 Rental.

21  
22 (2) A total of eight occupants per Vacation Rental, inclusive of day guests.

1 (3) In the event there is more than one building or dwelling on one lot, the maximum occupancy  
2 shall be capped at the lesser of six occupants per lot, or two persons per bedroom, regardless of  
3 the building in which such bedroom(s) are located.

4  
5 Sec. 7-70. Parking standards.

6  
7 In all Vacation Rentals located in a residential zoning district, the following parking standards shall  
8 apply. There shall be one off-street parking space for each bedroom in a Vacation Rental. One such  
9 required parking space for each Vacation Rental shall be in a garage or carport. Recreational  
10 vehicles and accessory trailers shall only be permitted in driveways, or other parking areas specifically  
11 designated for such use by the City. No recreational vehicle or any other motor vehicle parked on  
12 the premises of a Vacation Rental shall be used for sleeping. Parking spaces shall not be tandem.  
13 Neither on- street parking nor parking within the right-of-way shall be permitted for use by Vacation  
14 Rentals or Occupants.

15  
16 Sec. 7-71. Noise and Light

17  
18 Noise and light for Vacation Rentals shall be regulated by Section 10-61 to 10-69 of the Belle Isle  
19 Municipal Code. No excessive or boisterous noise, amplified sound, or bright light extending beyond  
20 the lot or parcel line is permitted.

21  
22 Sec. 7-72. Violations of other legal provisions.

1 No person shall allow the occupancy or use any portion of a structure as a Vacation Rental if the  
2 structure or its use is in violation of or inconsistent with any applicable zoning, comprehensive  
3 planning, building, housing, density, life safety, utility, public health, sanitary or fire code,  
4 ordinance, plan, statute, regulation, or rule. Such a violation shall also be considered a violation of  
5 this Article.

6  
7 Sec. 7-73. Vacation Rental advertising.

8  
9 Advertising of a Vacation Rental shall be consistent with the information contained within the  
10 Vacation Rental's Vacation Rental License. Such advertising shall conspicuously disclose the  
11 maximum occupancy of the Vacation Rental under this Chapter.

12  
13 Vacation Rental Owners should consider only advertising on the commercial booking websites that  
14 advertise Vacation Rentals, such as AirBNB, vacationRentals.com, VRBO, misterBNB, etc. When  
15 advertising, the Vacation Rental Owner must display the City of Belle Isle permit number plainly on the  
16 site.

17  
18 Sec. 7-74. Licensure as transient public lodging establishment.

19  
20 A Vacation Rental shall at all times maintain a current and active license as a transient public lodging  
21 establishment with the Florida Department of Business and Professional Regulation, if required.

22  
23 Sec. 7-75. Florida Department of Revenue certificate; Orange County Tax Collector account.

1 A Vacation Rental shall at all times maintain a current and active certificate of registration with the  
2 Florida Department of Revenue for the purposes of collecting and remitting sales surtaxes, transient  
3 rental taxes, and any other taxes required by law to be remitted to the Florida Department of  
4 Revenue if required. A Vacation Rental shall at all times maintain a current and active account  
5 with the Orange County Tax Collector for the purposes of collecting and remitting tourist  
6 development taxes and any other taxes required by law to be remitted to the Orange County Tax  
7 Collector, if required.

8  
9 Sec. 7-76. Prohibition of occupancy.

10  
11 The Vacation Rental Owner shall have the affirmative duty to vet each Occupant of a Vacation Rental

12  
13 Sec. 7-77. Violation and Penalties.

14 (a) A person renting a property without a valid rental permit shall be in violation of the Belle Isle  
15 Municipal Code and shall be subject to a fine of up to two hundred fifty dollars (\$250) for the first  
16 offense; five hundred dollars (\$500) for each day after the first offense that the dwelling has been  
17 rented without a permit.

18  
19 (b) Revocation of Registration. A short-term rental registration issued under the provisions of this  
20 Section may be revoked by the City Manager after notice and hearing as provided for in this Section,  
21 for any of the following reasons:

22 (1) Fraud, misrepresentation, or false statements contained in the application;



1           (2) Fraud, misrepresentation, or false statements made in the course of carrying on a short-  
2           term rental as regulated by this Section;

3  
4           (3) Any violation of any provision of this Section or of any provision of this code;

5  
6           (4) Any violation of any provision of federal, state or local laws.

7  
8           (c) Revocation Hearing. Before revoking a short-term rental registration, the City Manager shall give  
9           the Vacation Rental Owner responsible host notice in writing of the proposed revocation and of the  
10           grounds thereunder, and also of the time and place at which the host Vacation Rental Owner will be  
11           given a reasonable opportunity to show cause why the registration should not be revoked. The notice  
12           may be served personally upon the host Vacation Rental Owner or may be mailed to the host Vacation  
13           Rental Owner at the last known address or at any address shown upon the application at least 10 days  
14           prior to the date of the hearing. Upon conclusion of the hearing the City Manager may, for the  
15           grounds set forth herein, revoke the registration.

16  
17           (d) Appeal from Denial or Revocation of Registration. Any host Vacation Rental Owner whose  
18           application has been denied or registration has been revoked shall have the right to an administrative  
19           appeal before the City Council. An appeal shall be filed in writing on a form provided by the City  
20           stating the grounds therefor within 10 days of the decision. The City Council shall hold a hearing  
21           thereon within a reasonable time and the decision shall be final.

22  
23           (e) Waiting Period. Any host Vacation Rental Owner whose registration has been denied or revoked  
24           shall be ineligible from applying for a new registration for a 24-month period.

1 (f) Penalties. For violations of this Article, the penalties outlined in Section 7-51 will be imposed.

2  
3 Sec. 7-78. Sunset.

- 4
- 5 a. This ordinance shall Sunset 364 days after it becomes effective unless it is extended by an  
6 ordinance adopted by the City Council prior to the Sunset period.
- 7 b. The City Staff will present a report to the City Council three (3) months prior to the date this  
8 Ordinance is to Sunset. The report will provide data on the affects that this Ordinance has on  
9 the City.
- 10 c. After the presentation of the report, the City Council may adopt a permanent ordinance, allow  
11 this Ordinance to Sunset, adopt modifications to this Ordinance or take other actions relating  
12 to the matters referenced in this Ordinance. If the ordinance is allowed to Sunsets, Vacation  
13 Rentals will be prohibited in the City of Belle Isle, including, without limitation, those Vacation  
14 Rentals for which a Vacation Rental License was issued under this Ordinance.
- 15

16 **SECTION 3. SEVERABILITY.** If any section, subsection, sentence, clause, phrase, word or provision of  
17 this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction,  
18 whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct  
19 and independent provision, and such holding shall not affect the validity of the remaining portions of this  
20 Ordinance.

21

22 **SECTION 4. CONFLICTS.** In the event of a conflict or conflicts between this Ordinance and any other  
23 ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

24



1 Jeremy Weinsier \_\_\_\_\_  
2 Mike Sims \_\_\_\_\_  
3 Harvey Readey \_\_\_\_\_  
4 Jim Partin \_\_\_\_\_  
5 Sue Nielsen \_\_\_\_\_

7 ATTEST: \_\_\_\_\_  
8 Yolanda Quiceno, CMC City Clerk Lydia Pisano, Mayor

10 \_\_\_\_\_  
11 Approved as to form and legality A. Kurt Ardaman, City Attorney

13 **STATE OF FLORIDA**

14 **COUNTY OF ORANGE**

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

19 \_\_\_\_\_  
20 Notary Yolanda Quiceno, CMC-City Clerk

22 S:\DL\Clients\Belle Isle, City of\General B900-29001\Vacation (Short Term) Rentals\Short Term Rental Ordinance Final AKA CLEAN 9-6-  
23 18.docx



1 SECTION 2: This Resolution shall become effective immediately upon passage.

2 ADOPTED the 18th day of September, 2018.

3

4

\_\_\_\_\_

5

LYDIA PISANO, MAYOR

6

7 Attest:

\_\_\_\_\_

8

Yolanda Quiceno, City Clerk

9

Approved

10

as to legality:

\_\_\_\_\_

11

Kurt Ardaman, City Attorney

12

13 STATE OF FLORIDA

14 COUNTY OF ORANGE

15

16 I, YOLANDA QUICENO, CITY CLERK OF THE CITY OF BELLE ISLE, FLORIDA, do  
17 hereby certify that the above and foregoing Resolution No. 18-11 was duly and  
18 legally passed and adopted by the Belle Isle City Council in session  
19 assembled, at which session a quorum of its members were present on the  
20 \_\_\_\_\_ day of \_\_\_\_\_, 2018.

21

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23 Yolanda Quiceno, City Clerk

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25



1 beginning October 1, 2018 and ending September 30, 2019, said final budget  
2 being hereby confirmed, adopted and approved in all respects by the City  
3 Council of the City of Belle Isle.

4 SECTION 3. There are hereby expressly appropriated out of anticipated  
5 revenues all funds and monies necessary to meet the appropriations stipulated  
6 by and in said final budget.

7 SECTION 4. If any section, subsection, sentence, clause, phrase or  
8 portion of this Resolution is for any reason held invalid or unconstitutional  
9 by any court of competent jurisdiction, such portion shall be deemed a  
10 separate, distinct and independent provision and such holding shall not  
11 affect the validity of the remaining portion hereto.

12 SECTION 5. This Resolution shall become effective immediately upon  
13 passage.

14 ADOPTED this 18<sup>th</sup> day of September, 2018.

15 \_\_\_\_\_  
16 LYDIA PISANO, MAYOR

17  
18 Attest: \_\_\_\_\_  
19 Yolanda Quiceno, City Clerk

20 Approved  
21 as to legality: \_\_\_\_\_  
22 Kurt Ardaman, City Attorney

23  
24  
25



1 STATE OF FLORIDA

2 COUNTY OF ORANGE

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4 I, YOLANDA QUICENO, CITY CLERK OF THE CITY OF BELLE ISLE, FLORIDA, do  
5 hereby certify that the above and foregoing Resolution No. 18-12 was duly and  
6 legally passed and adopted by the Belle Isle City Council in session  
7 assembled, at which session a quorum of its members were present on the  
8 \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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12 \_\_\_\_\_  
Yolanda Quiceno, City Clerk

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1 Approved

2 as to legality: \_\_\_\_\_

3 Kurt Ardaman, City Attorney

4

5 STATE OF FLORIDA

6 COUNTY OF ORANGE

7

8 I, YOLANDA QUICENO, CITY CLERK OF THE CITY OF BELLE ISLE, FLORIDA, do  
9 hereby certify that the above and foregoing Resolution No. 18-13 was passed  
10 and adopted by the City Council of Belle Isle, Florida, in session assembled,  
11 at which session a quorum of the City Council was present on the 18<sup>th</sup> day of  
12 September, 2018.

13

14 \_\_\_\_\_

15 Yolanda Quiceno, City Clerk

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Approved as to form and legality  
Kurt Ardaman, City Attorney

STATE OF FLORIDA  
COUNTY OF ORANGE

I, YOLANDA QUICENO, CITY CLERK OF THE CITY OF BELLE ISLE, FLORIDA, do hereby certify that the above and foregoing Resolution No. 18-14 was duly and legally passed and adopted by the Belle Isle City Council in session assembled, at which session a quorum of its members were present on the \_\_\_\_\_ day of September, 2018.

\_\_\_\_\_

Yolanda Quiceno, City Clerk

**ATTACHMENT A  
CITY OF BELLE ISLE  
FY 2017-2018  
BUDGET AMENDMENT  
RESOLUTION 18-14**

ACCOUNT NO.	DESCRIPTION	ORIGINAL BUDGET	BUDGET AMENDMENTS		AMENDED BUDGET
			RESOLUTION # 18-01	RESOLUTION #18-14	
<b>GENERAL FUND 001</b>					
<b>CARRYFORWARD FUND BALANCE</b>		\$ 1,895,009	\$ -	\$ 592,108	\$ 2,487,117
<b>REVENUES</b>					
001-311-100	Ad Valorem Tax	2,861,666	0	0	2,861,666
001-312-410	Local Option Gas Tax	229,507	0	0	229,507
001-314-100	Utility Service Tax - Electricity	135,000	0	15,000	150,000
001-323-200	Franchise Fees - Telecommunications	230,257	0	0	230,257
001-323-400	Franchise Fees - Gas	4,000	0	0	4,000
001-323-700	Franchise Fees - Solid Waste	16,000	0	9,000	25,000
001-331-100	FEMA Reimbursement - Federal	0	0	881,345	881,345
001-331-110	FEMA Reimbursement - State	0	0	86,962	86,962
001-331-120	FDOT Reimbursement	0	0	6,432	6,432
001-334-410	FMIT Safety Grant	0	0	5,000	5,000
001-343-410	Solid Waste Fees - Residential	468,920	0	18,080	487,000
001-335-120	State Shared Revenue	315,537	0	0	315,537
001-335-150	Alcoholic Beverage License Tax	1,000	0	0	1,000
001-335-180	Half-Cent Sales Tax	1,059,018	0	0	1,059,018
001-316-000	Local Business Tax - Occupational Licenses	12,000	0	0	12,000
001-322-000	Building Permits <sup>1</sup>	100,000	0	70,000	170,000
001-329-000	Zoning Fees	15,000	0	20,000	35,000
001-329-100	Permits - Garage Sale	150	0	0	150
001-329-130	Boat Ramps - Decal and Reg	1,000	0	0	1,000
001-329-900	Tree Removal	2,500	0	0	2,500
001-362-000	Rental Licenses	10,000	0	0	10,000
001-337-200	SRO - Charter Contribution	41,000	0	0	41,000
001-351-100	Judgements & Fines - Moving Violations	12,000	0	0	12,000
001-359-000	Judgements & Fines - Parking Violations	1,000	0	0	1,000
001-347-400	Special Events	0	0	0	0
001-361-100	Interest - General Fund	3,000	0	0	3,000
001-364-000	Disposition of Fixed Assets	0	0	6,000	6,000
001-366-000	Contributions & Donations	0	0	0	0
001-369-900	Other Miscellaneous Revenue	1,000	0	26,000	27,000
001-369-905	Police Off-Duty Detail Reimbursements	0	0	40,000	40,000
001-369-906	Police Marine Patrol Reimbursements	10,800	0	0	10,800
001-334-400	OCPS - SRO Grant	10,020	0	0	10,020
001-337-100	NAV Board - Marine Boat Contribution	23,000	0	(23,000)	0
<b>TOTAL REVENUES</b>		\$ 5,563,375	\$ -	\$ 1,160,819	\$ 6,724,194
<b>TOTAL ESTIMATED REVENUES &amp; BALANCES</b>		\$ 7,458,384			\$ 9,211,311

**EXPENDITURES**

<b>LEGISLATIVE DEPARTMENT</b>					
001-511-00-2311	Dental & Vision Ins - District 1	500	0	0	500
001-511-00-2312	Dental & Vision Ins - District 2	500	0	0	500
001-511-00-2313	Dental & Vision Ins - District 3	500	0	0	500
001-511-00-2314	Dental & Vision Ins - District 4	500	0	0	500
001-511-00-2315	Dental & Vision Ins - District 5	500	0	0	500
001-511-00-2316	Dental & Vision Ins - District 6	500	0	0	500
001-511-00-2317	Dental & Vision Ins - District 7	500	0	0	500
001-511-00-3150	Elections	12,000	0	0	12,000
001-511-00-3200	Auditing and Accounting	53,135	0	30,000	83,135
001-511-00-4001	Travel & Per Diem - Dist1	1,500	0	0	1,500
001-511-00-4002	Travel & Per Diem - Dist2	1,500	0	0	1,500
001-511-00-4003	Travel & Per Diem - Dist3	1,500	0	0	1,500
001-511-00-4004	Travel & Per Diem - Dist4	1,500	0	0	1,500
001-511-00-4005	Travel & Per Diem - Dist5	1,500	0	0	1,500
001-511-00-4006	Travel & Per Diem - Dist6	1,500	0	0	1,500
001-511-00-4007	Travel & Per Diem - Dist7	1,500	0	0	1,500
001-511-00-4100	Communications - Telephone	8,000	0	0	8,000
001-511-00-4710	Printing & Binding - Elections	900	0	0	900
001-511-00-4900	Other Current Charges	1,000	0	0	1,000
001-511-00-4910	Other Current Charges - Elections	300	0	0	300
001-511-00-5100	Office Supplies	100	0	0	100
001-511-00-5200	Operating Supplies	100	0	0	100
001-511-00-5401	Books, Subscriptions & Memberships - Dist 1	200	0	0	200
001-511-00-5402	Books, Subscriptions & Memberships - Dist 2	200	0	0	200
001-511-00-5403	Books, Subscriptions & Memberships - Dist 3	200	0	0	200
001-511-00-5404	Books, Subscriptions & Memberships - Dist 4	200	0	0	200
001-511-00-5405	Books, Subscriptions & Memberships - Dist 5	200	0	0	200

**ATTACHMENT A  
CITY OF BELLE ISLE  
FY 2017-2018  
BUDGET AMENDMENT  
RESOLUTION 18-14**

ACCOUNT NO.	DESCRIPTION	ORIGINAL BUDGET	BUDGET AMENDMENTS		AMENDED BUDGET
			RESOLUTION # 18-01	RESOLUTION #18-14	
001-511-00-5406	Books, Subscriptions & Memberships - Dist 6	200	0	0	200
001-511-00-5407	Books, Subscriptions & Memberships - Dist 7	200	0	0	200
	<b>EXECUTIVE MAYOR</b>				
001-512-00-2310	Dental & Vision Insurance	500	0	0	500
001-512-00-4000	Travel & Per Diem	1,500	0	0	1,500
001-512-00-4100	Communications - Telephone	1,200	0	0	1,200
001-512-00-4900	Other Current Charges	500	0	0	500
001-512-00-5400	Books, Publications & Memberships	600	0	0	600
	<b>FINANCE AND ADMINISTRATION</b>				
001-513-00-1200	Regular Salaries & Wages	370,000	0	0	370,000
001-513-00-1220	Longevity Pay	1,700	0	0	1,700
001-513-00-1250	Vehicle Allowance - City Manager	8,400	0	0	8,400
001-513-00-2100	FICA/Medicare Taxes - 7.65%	29,078	0	0	29,078
001-513-00-2200	Retirement Contributions	35,948	0	0	35,948
001-513-00-2210	Deferred Compensation - City Manager	0	0	0	0
001-513-00-2300	Health Insurance	65,000	0	0	65,000
001-513-00-2310	Dental & Vision Insurance	3,000	0	0	3,000
001-513-00-2320	Life Insurance	1,700	0	0	1,700
001-513-00-2330	Disability Insurance	5,400	0	0	5,400
001-513-00-3100	Professional Services	15,000	0	0	15,000
001-513-00-4000	Travel & Per Diem	3,000	0	0	3,000
001-513-00-4600	Repairs & Maintenance - General	1,000	0	0	1,000
001-513-00-4610	Repairs & Maintenance - Vehicles	500	0	0	500
001-513-00-4700	Printing & Binding	500	0	0	500
001-513-00-4710	Codification Expenses	2,000	0	0	2,000
001-513-00-4900	Other Current Charges	2,000	0	0	2,000
001-513-00-4910	Legal Advertising	2,500	0	0	2,500
001-513-00-5200	Operating Supplies	500	0	0	500
001-513-00-5400	Books, Subscriptions & Memberships	3,000	0	0	3,000
001-513-00-6417	Equipment - Vehicles	25,000	0	0	25,000
001-513-00-6425	Equipment	7,500	0	0	7,500
	<b>GENERAL GOVERNMENT</b>				
001-519-00-1530	Merit/Bonus Pay	10,000	0	0	10,000
001-519-00-2100	FICA/Medicare Taxes - 7.65%	765	0	0	765
001-519-00-3110	Legal Services	100,000	0	200,000	300,000
001-519-00-3120	Engineering Fees	50,000	0	0	50,000
001-519-00-3130	Annexation Fees	5,000	0	0	5,000
001-519-00-3400	Contractual Services	80,000	0	0	80,000
001-519-00-3405	Building Permits	80,000	0	56,000	136,000
001-519-00-3410	Janitorial Services	2,500	0	0	2,500
001-519-00-3417	Emergency Expenses - Hurricane Irma	0	0	543,000	543,000
001-519-00-3420	Landscaping Services	87,000	0	0	87,000
001-519-00-3440	Fire Protection	1,371,713	0	0	1,371,713
001-519-00-4100	Communications Services	13,000	0	0	13,000
001-519-00-4200	Freight & Postage	8,000	0	0	8,000
001-519-00-4300	Utility/Electric/Water	10,000	0	0	10,000
001-519-00-4310	Solid Waste Disposal/Yardwaste	465,792	0	0	465,792
001-519-00-4500	Insurance	115,000	0	0	115,000
001-519-00-4600	Repairs & Maintenance - General	5,000	0	0	5,000
001-519-00-4700	Printing & Binding	12,000	0	0	12,000
001-519-00-4800	Special Events	8,000	0	0	8,000
001-519-00-4900	Other Current Charges	5,000	0	0	5,000
001-519-00-4905	Non Ad Valorem Assessment Fee	3,000	0	0	3,000
001-519-00-4910	Legal Advertising	3,000	0	0	3,000
001-519-00-5100	Office Supplies	8,000	0	0	8,000
001-519-00-5200	Operating Supplies	2,500	0	0	2,500
001-519-00-5230	Fuel Expense	1,000	0	0	1,000
001-519-00-5400	Books, Subscriptions & Memberships	1,000	0	0	1,000
001-519-00-6490	Urban Forestry	20,000	0	0	20,000
001-519-00-8300	Contributions & Donations	1,500	0	0	1,500
001-519-00-8310	Neighborhood Grant Program	49,000	0	0	49,000
001-519-00-6340	CIP - Swann Beach Beautification	12,000	0	0	12,000
001-519-00-6385	CIP - Park Improvements	0	0	32,840	32,840
001-519-00-6491	CIP - City Hall Improvements	5,000	0	0	5,000
	<b>POLICE DEPARTMENT</b>				
001-521-00-1200	Regular Salaries & Wages	907,000	0	(15,700)	891,300
001-521-00-1210	Regular Salaries & Wages - Crossing Guards	35,000	0	0	35,000
001-521-00-1215	Holiday Pay	30,000	0	(10,000)	20,000
001-521-00-1220	Longevity Pay	5,000	0	0	5,000
001-521-00-1300	Reserve Officer Pay	1,000	0	0	1,000

**ATTACHMENT A  
CITY OF BELLE ISLE  
FY 2017-2018  
BUDGET AMENDMENT  
RESOLUTION 18-14**

ACCOUNT NO.	DESCRIPTION	ORIGINAL BUDGET	BUDGET AMENDMENTS		AMENDED BUDGET
			RESOLUTION # 18-01	RESOLUTION #18-14	
001-521-00-1400	Overtime Pay	10,000	0	5,000	15,000
001-521-00-1500	Incentive Pay	10,000	0	1,300	11,300
001-521-00-1505	Police Off-Duty Detail Pay	0	0	40,000	40,000
001-521-00-1506	Police Lake Conway Marine Patrol Pay	9,600	0	0	9,600
001-521-00-1520	Special Assignment Pay	4,000	0	500	4,500
001-521-00-2100	FICA/Medicare Taxes - 7.65%	76,653	0	0	76,653
001-521-00-2200	Retirement Contributions	120,125	0	0	120,125
001-521-00-2300	Health Insurance	170,000	0	0	170,000
001-521-00-2310	Dental & Vision Insurance	7,100	0	0	7,100
001-521-00-2320	Life Insurance	4,500	0	0	4,500
001-521-00-2330	Disability Insurance	17,000	0	0	17,000
001-521-00-3100	Technology Support/Services	20,000	0	0	20,000
001-521-00-3110	Legal Services	500	0	0	500
001-521-00-3120	New Hire Expenses	1,000	0	400	1,400
001-521-00-3410	Janitorial Services	1,200	0	0	1,200
001-521-00-4000	Travel & Per Diem	6,000	0	0	6,000
001-521-00-4100	Communications Services	19,000	0	0	19,000
001-521-00-4110	Dispatch Service	73,000	0	0	73,000
001-521-00-4200	Postage & Freight	750	0	0	750
001-521-00-4300	Utility/Electric/Water	3,500	0	0	3,500
001-521-00-4600	Repairs & Maintenance - General	2,500	0	0	2,500
001-521-00-4610	Repairs & Maintenance - Vehicles	25,000	0	7,000	32,000
001-521-00-4620	Repairs & Maintenance - Radar Guns	2,000	0	0	2,000
001-521-00-4700	Printing & Binding	3,500	0	0	3,500
001-521-00-4900	Other Current Charges	1,500	0	500	2,000
001-521-00-4910	Legal Advertising	500	0	0	500
001-521-00-4920	Marine Expenses	5,000	0	0	5,000
001-521-00-5100	Office Supplies	2,500	0	0	2,500
001-521-00-5200	Operating Supplies	3,000	0	0	3,000
001-521-00-5205	Computer and Software	5,000	0	0	5,000
001-521-00-5210	Uniforms	10,000	0	3,000	13,000
001-521-00-5230	Fuel Expense	40,000	0	0	40,000
001-521-00-5400	Books, Subscriptions & Memberships	1,000	0	0	1,000
001-521-00-5500	Training - Police	5,000	0	4,000	9,000
001-521-00-8200	Community Promotions	2,000	0	0	2,000
001-521-00-6410	CIP - Equipment - Radios	30,000	0	0	30,000
001-521-00-6417	CIP - Equipment - Vehicles	68,180	0	0	68,180
001-521-00-6418	CIP - Equipment - Vessels	50,000	0	4,000	54,000
<b>PUBLIC WORKS</b>					
001-541-00-1200	Regular Salaries & Wages	105,000	0	(4,500)	100,500
001-541-00-1220	Longevity Pay	850	0	0	850
001-541-00-1400	Overtime Pay	1,500	0	0	1,500
001-541-00-2100	FICA/Medicare Taxes - 7.65%	8,212	0	0	8,212
001-541-00-2200	Retirement Contributions	10,118	0	0	10,118
001-541-00-2300	Health Insurance	23,000	0	(9,000)	14,000
001-541-00-2310	Dental & Vision Insurance	1,000	0	0	1,000
001-541-00-2320	Life Insurance	500	0	0	500
001-541-00-2330	Disability Insurance	2,000	0	0	2,000
001-541-00-3100	Professional Services	0	0	0	0
001-541-00-3140	Temporary Labor	10,000	0	0	10,000
001-541-00-3400	Contractual Services	15,000	0	0	15,000
001-541-00-4100	Communications - Telephone	1,500	0	0	1,500
001-541-00-4300	Utility/Electric/Water	105,000	0	0	105,000
001-541-00-4600	Repairs & Maintenance - General	15,000	0	0	15,000
001-541-00-4610	Repairs & Maintenance - Vehicles	5,000	0	0	5,000
001-541-00-5200	Operating Supplies	5,000	0	0	5,000
001-541-00-5210	Uniforms	1,500	0	0	1,500
001-541-00-5220	Protective Clothing	750	0	0	750
001-541-00-5230	Fuel Expense	5,000	0	0	5,000
001-541-00-5300	Road Operating Supplies	12,500	0	0	12,500
001-541-00-5500	Training	1,000	0	0	1,000
001-541-00-5400	Books, Subscriptions & Memberships	500	0	0	500
001-541-00-6320	CIP - Resurfacing & Curbing	250,000	464,499	0	714,499
001-541-00-6330	CIP - Sidewalks	20,000	0	36,000	56,000
001-541-00-6360	CIP - LED Street Lighting Hoffner Ave	10,000	0	(10,000)	0
001-541-00-6417	CIP - Vehicles	35,000	0	(35,000)	0
001-541-00-6420	CIP - Traffic Calming	0	0	20,000	20,000
001-541-00-6430	CIP - Equipment	7,500	0	(7,500)	0
<b>NON OPERATING</b>					
001-584-00-7100	Payment on Bond - Principal	85,000	0	0	85,000



**ATTACHMENT A  
CITY OF BELLE ISLE  
FY 2017-2018  
BUDGET AMENDMENT  
RESOLUTION 18-14**

ACCOUNT NO.	DESCRIPTION	ORIGINAL BUDGET	BUDGET AMENDMENTS		AMENDED BUDGET
			RESOLUTION # 18-01	RESOLUTION #18-14	
001-584-00-7200	Bond Debt - Interest	27,000	0	0	27,000
<b>TOTAL EXPENDITURES</b>		<b>\$ 5,765,769</b>	<b>\$ 464,499</b>	<b>\$ 891,840</b>	<b>\$ 7,122,108</b>
<b>RESERVES</b>		<b>\$ 1,692,615</b>	<b>\$ (464,499)</b>	<b>\$ (891,840)</b>	<b>\$ 2,089,203</b>
<b>TOTAL APPROPRIATED EXPENDITURES &amp; RESERVES</b>		<b>\$ 7,458,384</b>			<b>\$ 9,211,311</b>

**TRANSPORTATION IMPACT FUND 102**

<b>CARRYFORWARD FUND BALANCE</b>		<b>\$ 142,226</b>	<b>\$ -</b>	<b>\$ 98,338</b>	<b>\$ 240,564</b>
<b>REVENUES</b>					
102-324-310	Impact Fees - Transportation	7,150	0	24,310	31,460
102-361-100	Interest on Checking - Traffic Fund	3,000	0	(1,800)	1,200
<b>TOTAL REVENUES</b>		<b>\$ 10,150</b>	<b>\$ -</b>	<b>\$ 22,510</b>	<b>\$ 32,660</b>
<b>TOTAL ESTIMATED REVENUES &amp; BALANCES</b>		<b>\$ 152,376</b>	<b>\$ -</b>	<b>\$ 120,848</b>	<b>\$ 273,224</b>

**EXPENDITURES**

102-541-00-3120	Engineering Fees	50,000	0	0	50,000
102-541-00-6425	Roadway Improvements	0	0	0	0
<b>TOTAL EXPENDITURES</b>		<b>\$ 50,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 50,000</b>
<b>RESERVES</b>		<b>\$ 102,376</b>	<b>\$ -</b>	<b>\$ 120,848</b>	<b>\$ 223,224</b>
<b>TOTAL APPROPRIATED EXPENDITURES &amp; RESERVES</b>		<b>\$ 152,376</b>			<b>\$ 273,224</b>

**STORMWATER FUND 103**

<b>CARRYFORWARD FUND BALANCE</b>		<b>\$ 681,410</b>	<b>\$ -</b>	<b>\$ (16,474)</b>	<b>\$ 664,936</b>
<b>REVENUES</b>					
103-343-900	Service Charge - Stormwater	306,353	0	0	306,353
103-337-110	NAV Board Contribution - Street Sweeper	75,000	0	(75,000)	0
103-337-115	NAV Board Contribution - Aquatic Weed Control	5,000	0	(5,000)	0
103-361-100	Interest on Checking - Stormwater Fund	3,000	0	(1,800)	1,200
<b>TOTAL REVENUES</b>		<b>\$ 389,353</b>	<b>\$ -</b>	<b>\$ (81,800)</b>	<b>\$ 307,553</b>
<b>TOTAL ESTIMATED REVENUES &amp; BALANCES</b>		<b>\$ 1,070,763</b>			<b>\$ 972,489</b>

**EXPENDITURES**

103-541-00-3120	Engineering Fees	40,000	0	100,000	140,000
103-541-00-3430	NPDES	15,000	0	3,000	18,000
103-541-00-3450	Lake Conservation	10,000	0	6,000	16,000
103-541-00-4600	Repairs & Maintenance - Stormwater	125,000	0	(100,000)	25,000
103-541-00-4900	Other Current Charges	200	0	0	200
103-541-00-6300	CIP - Capital Improvements	355,550	0	94,450	450,000
103-541-00-6417	CIP - Equipment - Street Sweeper	175,000	0	(175,000)	0
<b>TOTAL EXPENDITURES</b>		<b>\$ 720,750</b>	<b>\$ -</b>	<b>\$ (71,550)</b>	<b>\$ 649,200</b>
<b>RESERVES</b>		<b>\$ 350,013</b>	<b>\$ -</b>	<b>\$ (169,824)</b>	<b>\$ 323,289</b>
<b>TOTAL APPROPRIATED EXPENDITURES &amp; RESERVES</b>		<b>\$ 1,070,763</b>			<b>\$ 972,489</b>

**LE EDUCATION FUND 104**

<b>CARRYFORWARD FUND BALANCE</b>		<b>\$ 12,777</b>	<b>\$ -</b>	<b>\$ 3,070</b>	<b>\$ 15,847</b>
<b>REVENUES</b>					
104-351-200	Judgements & Fines - LE Education Fund	1,200	0	0	1,200
104-361-100	Interest on Checking - LE Education Fund	3,000	0	(1,800)	1,200
<b>TOTAL REVENUES</b>		<b>\$ 4,200</b>	<b>\$ -</b>	<b>\$ (1,800)</b>	<b>\$ 2,400</b>
<b>TOTAL ESTIMATED REVENUES &amp; BALANCES</b>		<b>\$ 16,977</b>	<b>\$ -</b>	<b>\$ 1,270</b>	<b>\$ 18,247</b>

**EXPENDITURES**

104-521-00-5500	Training	6,000	0	0	6,000
104-521-00-4900	Other Current Charges	200	0	0	200
<b>TOTAL EXPENDITURES</b>		<b>\$ 6,200</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 6,200</b>
<b>RESERVES</b>		<b>\$ 10,777</b>	<b>\$ -</b>	<b>\$ 1,270</b>	<b>\$ 12,047</b>
<b>TOTAL APPROPRIATED EXPENDITURES &amp; RESERVES</b>		<b>\$ 16,977</b>			<b>\$ 18,247</b>

**ATTACHMENT A  
CITY OF BELLE ISLE  
FY 2017-2018  
BUDGET AMENDMENT  
RESOLUTION 18-14**

ACCOUNT NO.	DESCRIPTION	ORIGINAL BUDGET	BUDGET AMENDMENTS		AMENDED BUDGET
			RESOLUTION # 18-01	RESOLUTION #18-14	
<b>CHARTER DEBT SERVICE FUND 201</b>					
<b>CARRYFORWARD FUND BALANCE</b>		\$ 1,693,108	\$ -	\$ (481,316)	\$ 1,211,792
<b>REVENUES</b>					
201-361-100	Interest - Charter Fund	0	0	10,000	10,000
201-362-000	Rent Revenue - Student Count: 1430	1,001,000	0	(16,157)	984,843
<b>TOTAL REVENUES</b>		\$ 1,001,000	\$ -	\$ (6,157)	\$ 994,843
<b>TOTAL ESTIMATED REVENUES &amp; BALANCES</b>		\$ 2,694,108			\$ 2,206,635
<b>EXPENDITURES</b>					
201-569-00-3100	Charter Professional Services	0	0	4,600	4,600
201-569-00-3110	Charter Legal Services	0	0	22,793	22,793
201-569-00-3120	Engineering Fees - Stormwater Mgmt	40,000	0	0	40,000
201-569-00-4600	Maintenance	75,000	0	0	75,000
201-569-00-6210	CIP - Charter Roof Repair/Replacement	170,000	0	0	170,000
201-569-00-6320	HVAC Replacement	150,000	0	200,000	350,000
201-569-00-7100	Principal	155,000	0	0	155,000
201-569-00-7200	Interest	540,425	0	0	540,425
<b>TOTAL EXPENDITURES</b>		\$ 1,130,425	\$ -	\$ 227,393	\$ 1,357,818
<b>RESERVES</b>		\$ 1,563,683	\$ -	\$ (714,866)	\$ 848,817
<b>TOTAL APPROPRIATED EXPENDITURES &amp; RESERVES</b>		\$ 2,694,108			\$ 2,206,635



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

**Meeting Date:** September 18, 2018

**To:** Honorable Mayor and City Council Members

**From:** B. Francis, City Manager

**Subject:** Resolution 18-15, Policy for Reimbursement of Attorney Fees

**Background:** When the City was notified that there was an investigation being started on Sunshine Law violations by elected officials, individual Councilmembers were advised to seek their own attorneys because the City Attorney could not represent individual Councilmembers.

The City has no formal policy on reimbursement of attorney fees for individual elected officials.

There are local governments that do provide reimbursement for elected and appointed officials for reasonable attorney fees and court costs necessarily incurred in the defense of a charge unless the officer or employee is found guilty of substantially the same misconduct that formed the basis for the charge.

At the July 3 meeting the City Council directed the City Attorney to develop a policy for the reimbursement of attorney fees.

**Staff Recommendation:** Review the policy and if satisfactory, adopt the policy

**Suggested Motion:** I move that we adopt Resolution 18-15.

**Alternatives:** Do not adopt the resolution.

**Fiscal Impact:** Determined on a case-by-case basis

**Attachments:** Resolution 18-15



1 If any agency of the state or any county, municipality, or political subdivision of the state is  
2 authorized pursuant to this section to provide an attorney to defend a civil action arising from a  
3 complaint for damages or injury suffered as a result of any act or omission of action of any of its  
4 officers, employees, or agents and fails to provide such attorney, such agency, county, municipality,  
5 or political subdivision shall reimburse any such defendant who prevails in the action for court costs  
6 and reasonable attorney's fees; and

7  
8 **WHEREAS**, Section 286.011(7), Florida Statutes provides that, "Whenever any member of any board  
9 or commission . . . is charged with a violation of this section and is subsequently acquitted, the board or  
10 commission is authorized to reimburse said member for any portion of his or her reasonable attorney's  
11 fees;" and

12  
13 **WHEREAS**, in addition to the statutory provisions above, Florida courts have recognized the  
14 common law doctrine whereby, "If a public officer is charged with misconduct while performing his [or her]  
15 official duties and while serving a public purpose, the public has a primary interest in such a controversy and  
16 should pay the reasonable and necessary legal fees incurred by the public officer in successfully defending  
17 against unfounded allegations of official misconduct." *Ellison v. Reid*, 397 So. 2d 352, 354 (Fla. 1st DCA  
18 1981); and

19  
20 **WHEREAS**, a public officer's entitlement to attorneys' fees under the common law doctrine applies  
21 to both civil and criminal proceedings and requires the public officer to demonstrate that 1) the action arises  
22 out of or in connection with the performance of his or her official duties, and 2) the officer's underlying  
23 actions are in a context serving a public purpose. *Maloy v. Board of County Com'rs of Leon County*, 946 So.  
24 2d 1260 (Fla. 1st DCA 2007); and

1           **WHEREAS**, it is the intention of the City Council that the policy adopted in this Resolution implement  
2 and be interpreted in accordance with the laws enunciated above and other relevant laws.

3  
4           **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA:**

5  
6           **SECTION 1: RECITALS.** The foregoing recitals are ratified and confirmed as being true and correct  
7 and are hereby made a part of this Resolution.

8  
9           **SECTION 2: REIMBURSEMENT POLICY.** The City Council hereby adopts the following policy with  
10 respect to reimbursement of City officers and employees for attorneys’ fees and court costs (the “Policy”):

11  
12           (a)       **Reimbursement under F.S. 111.07:**

13  
14           (1)       In accordance with Section 111.07, Florida Statutes, the City is authorized to provide an  
15 attorney to defend any civil action arising from a complaint for damages or injury suffered as a result of any  
16 act or omission of action of any of its officers, employees, or agents for an act or omission arising out of and  
17 in the scope of his or her employment or function, unless, in the case of a tort action, the officer, employee,  
18 or agent acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard  
19 of human rights, safety, or property.

20  
21           (2)       Further, if the City is authorized pursuant to this Policy to provide an attorney to defend a  
22 civil action arising from a complaint for damages or injury suffered as a result of any act or omission of  
23 action of any of its officers, employees, or agents and does not provide an attorney, the City shall reimburse  
24 any such defendant who prevails in the action for court costs and reasonable attorney’s fees.

1 (b) **Reimbursement under the Common Law:**

2  
3 (1) The City shall reimburse any of its public officers for reasonable attorneys' fees and court  
4 costs incurred in successfully defending against any civil, criminal, ethics, or other similar proceeding,  
5 including investigations, provided that 1) the proceeding arises out of or in connection with the performance  
6 of the public officer's official duties, and 2) the public officer's underlying actions arise in a context that  
7 serves a public purpose. Both of the foregoing prongs must be met for a public officer to be reimbursed.  
8 For example, in the case of *Maloy v. Board of County Com'rs of Leon County*, 946 So. 2d 1260 (Fla. 1st DCA  
9 2007), reimbursement was denied where even though a public officer successfully defended against ethics  
10 charges arising in the context of his official duties, his underlying actions, i.e. having sexual relations with  
11 staff members, did not serve a public purpose.

12  
13 (2) Only public officers have a claim for reimbursement under this subparagraph (b), not  
14 employees. In accordance with case law, "public officers are those persons to whom a portion of the  
15 sovereign power has been delegated, whereas public employees neither hold nor are authorized to exercise  
16 in their own right any sovereign power or any prescribed independent authority of a governmental nature."  
17 *Lewis v. Evans*, 406 So. 2d 489 (Fla. 2d DCA 1981). The City's public officers include but are not limited to  
18 members of the City Council and other official boards and commissions of the City.

19  
20 (c) **Claimant must Prevail or Successfully Defend:** To be entitled to reimbursement under this  
21 Policy, the employee or public officer seeking reimbursement must "prevail" or "successfully defend" in the  
22 relevant proceedings. An employee or public officer prevails or successfully defends when 1) the action is  
23 dismissed by the agency or person bringing the action without the employee or officer having been found  
24 guilty of a violation; 2) the agency or court with jurisdiction over the action issues a decision finding the  
25 employee or officer not guilty of a violation; or 3) in the case of a criminal, ethics, or other investigation by a  
public agency, such agency determines not to bring charges or otherwise file a complaint against the

1 employee or officer. In the case of multiple charges or complaints, a person may be entitled to partial  
2 reimbursement of attorneys' fees under this policy if he or she prevails or successfully defends against one  
3 or more charges or complaints but not others, depending on the circumstances and provided that the  
4 portion of the fees corresponding to such can be clearly established.

5  
6 (d) **Documentation and Reasonableness of Fees:** The attorneys' fees, hours, and nature of  
7 legal services provided must be clearly documented and reasonable. Attorneys' fees are reasonable if 1) the  
8 fee reflects what is customarily charged by attorneys in Orange County for similar legal services, and 2) if  
9 based on an hourly rate, the number of hours worked bears a reasonable relationship to the number of  
10 hours that would typically be required by an attorney in Orange County to perform such legal services.

11  
12 (e) **City Council Approval:**

13  
14 (1) Reimbursement of attorneys' fees and court costs under this Policy shall require approval by  
15 the City Council prior to reimbursement.

16  
17 (2) The City Council shall have discretion to approve payment of attorneys' fees and court costs  
18 during or before the conclusion of the proceedings at issue if the City Council believes that the person  
19 seeking reimbursement will ultimately be entitled to reimbursement under this Policy. However, in the  
20 event that such person is ultimately determined not to be entitled to reimbursement under this Policy, he or  
21 shall be required to reimburse the City for any funds received from the City.

22  
23 (3) If the person seeking reimbursement is a member of the City Council, such member shall not  
24 vote on the matter and shall recuse him/herself in accordance with Section 112.3143, Florida Statutes.



1 (f) **Procedure:**

2  
3 (1) Any person who believes that he or she will or may be entitled to attorneys' fees and court  
4 costs under this Policy shall notify the City Manager in writing within 10 days of retention of an attorney.  
5 Such notification shall include the reason for retention of the attorney and shall describe the fee  
6 arrangement and rate.

7  
8 (2) Within 30 days of the conclusion of the matter for which the person believes that he or she  
9 is entitled to reimbursement of attorneys' fees and court costs, such person shall file a written request for  
10 reimbursement with the City Manager containing the following:

- 11
- 12 • Name and address;
- 13 • Description of the nature and results of the proceedings;
- 14 • A description of each count, charge and/or allegation made or investigated;
- 15 • The date(s) that the alleged violations are alleged to have occurred;
- 16 • The case number or file number of the proceeding if such exists;
- 17 • The person's position with the City at the time of the alleged violations;
- 18 • A description of the reasons why the person believes that the request for reimbursement
- 19 meets the criteria for reimbursement contained in this policy;
- 20 • The name(s), address(es), and telephone number(s) of the attorney(s) representing the
- 21 person in the relevant proceedings;
- 22 • A description or copy of the fee arrangement between the person and his or her attorney(s);
- 23 • A full accounting of all attorneys' fees incurred and all legal services rendered; and
- 24 • Any other information requested by the City Manager or City Council.
- 25

1 The City Council shall consider a request for reimbursement within a reasonable time of receipt of the  
2 written request and all information and documentation by the City Manager, including any additional  
3 information or documentation that the City Manager or City Council may require.  
4

5 **SECTION 3. SEVERABILITY.** If any section, subsection, sentence, clause, phrase, word or provision of  
6 this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction,  
7 whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct  
8 and independent provision, and such holding shall not affect the validity of the remaining portions of this  
9 Resolution.  
10

11 **SECTION 4. CONFLICTS.** In the event of a conflict or conflicts between this Resolution or and any  
12 other resolution or provision of law, this Resolution controls to the extent of the conflict, as allowable under  
13 the law.  
14

15 **SECTION 5. EFFECTIVE DATE.** This Resolution shall become effective immediately upon adoption by  
16 the City Council of the City of Belle Isle, Florida.  
17

18 ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the City Council of the City of Belle Isle, Florida.

19 CITY COUNCIL

20 CITY OF BELLE ISLE

21 \_\_\_\_\_

22 ATTEST

Lydia Pisano, Mayor

23 \_\_\_\_\_  
24 Yolanda Quiceno, City Clerk  
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APPROVED AS TO FORM AND LEGALITY  
CITY ATTORNEY

STATE OF FLORIDA  
COUNTY OF ORANGE

I, YOLANDA QUICENO, CITY CLERK OF BELLE ISLE, FLORIDA, do hereby certify that the above and foregoing Resolution 18-15 was duly and legally passed and adopted by the Belle Isle City Council in session assembled, at which session a quorum of its members were present on the \_\_\_\_\_ day of August 2018.

\_\_\_\_\_  
Yolanda Quiceno, City Clerk

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**Belle Isle Issues Log  
9/18/2018**

<u>Issue</u>	<u>Description</u>	<u>Start Date</u>	<u>POC</u>	<u>Expected Completion Date</u>	<u>Completed Action</u>	<u>Next steps</u>
Cornerstone Charter Academy Stormwater Discharge issue	In November, Orange County made City aware of turbidity issue with storm water discharge from CCA Property to OC Storm pipe. OC may fine City is not corrected.	1/11/2016	CM/CE	Open	Water sampling revealed that there are high levels of nitrogen causing algae blooms. OCEPD reviewing fertilizer put on the field. Harris Engineering to use GPR to find any unrecorded pipes. City will divert water from drainage ditch to Wallace Field.	On hold until the City and EDP meet to discuss further. Also on hold to see what plans are made for this area. CCA is reviewing changes made by CA.
Gene Polk Park (Delia Beach)	Drainage issue at Gene Polk Park caused erosion problems and makes the park unattractive. At least 3 plans have been developed for the drainage and Council allocated \$180,000 to correct the problem.	4/3/2017	CM/CE	9/30/2019	CM met with neighbors to go over plan. Neighbors will review plan as a group and then present their comments to City.	Delayed to determine FEMA Funds approval.
Street Paving	Council approved project for paving several streets in the City. Middlesex Paving is the contractor	8/12/2017	PW/CM	9/30/2017 Completed for 2017	CM to consider change in the Scope of the Project to look at curb replacement.	Budget Item for next budget year.
Storm Drainage	Several individual projects are being looked at to complete. St. Partens, Nela , Wind Drift, and Seminole/Daetwyler.	4/3/2017	PW/ENG	8/31/2018	Construction plans being developed for St. Partin, Wind Drift, Nela Ave and Daetwyler for next budget year. LCS Project: Miami Curbs installed. Looking at collection vault on lake	Due to large amount of rain, LCS is on-hold until the water table recedes. Nela and Wind Drift projects are in next year's budget
Traffic Studies	Council allocated funds for traffic study at Trentwood/Daetwyler Rd. Council directed city-wide traffic study to improve traffic flow.	4/3/2017	CM/Eng.	12/31/2018	Trentwood issues completed except for repair of chicane. Focus is on Transportation Master Plan (TMP). Community Meeting on TMP held on June 21, 2018. 20 residents attended. Community Survey was put on line. Consultant created proposed of goals and objectives.	<b>Meeting with Orange County Public Works and OCSO scheduled for September 20</b>
Fountain at Nela/Overlook	Council approved funding to convert the planter at Nela/Overlook to a fountain.	4/3/2017	CM	8/31/2018	G^Werks to do fountain. Centerpiece is here. Should see demo of roundabout soon after Perkins Ramp is complete.	<b>Demo of circle started. Fountain basin samples chosen.</b>
Standardize Park Signage	Council held a workshop on June 14 to discuss park issues. Standardize signage was one of the issues. Council reviewed proposed signs and directed to move forward.	6/14/2017	CM	9/30/2018	New signs will be made and replace the current signs for parks. Meeting with sign maker on August 1st. New signs in for design	Next year budget item

**Belle Isle Issues Log  
9/18/2018**

Wallace/Matchett Area	City purchased large area at Wallace/Matchett for open space. Issues with Wallace Street Plat in this area with people trespassing on private property. District 2 Comm. And CM met with residents to discuss solutions. Council met on June 14 and issues was discussed. Council directed that a fence would be erected around property. Dist. 2 Comm. and CM to meet with residents to discuss options for Wallace Street plat. Area is still zoned R-2.	6/14/2017	Dist.2 Comm and CM	9/30/2018	Fence installed. Zoning changed to OS. Agreement for CCA use of the field being reviewed by school. Trees planted as part of Arbor Day Celebration.	<b>Schedule workshop to determine amenities to field. Still making changes to CCA Agreement for use of the field.</b>
City acquisition of Property	Council discussed possibility of acquiring parcels within the City and directed City staff look at	3/20/2018	CM	8/31/2018	Staff is identifying possible parcels for purchase or other means of acquiring property. Working on purchase of Cross Lake. Waiting on appraisal.	<b>Cross Lake Purchase at BOCC Public Hearing on October 2. 2635 McCoy land donation proceeding. BOA purchase still being looked at.</b>
Charter School (CCA)	There has been infrastructure issues at Cornerstone for some time. The City owns the property and leases it to CCA. The City is responsible for replacing major systems at CCA according to the lease.	4/3/2017	CM	Ongoing	Capital Facility Plan complete. HVAC equipment to be here in July. CCA considering purchase of property. Roofs are being patched, not replaced at this time. Letter was sent to CCA Board asking for joint meeting and other Board issues.	CM commented on report and sent to Council. <b>CM to send report to CCA Consultant on September 19</b>
Short Term Rental	Council discussed short term rentals and directed staff prepare paper for April 17 Meeting	3/20/2018	CM	8/31/2018	Staff is preparing information on short term rentals. Council held workshop on June 29 to discuss issues.	<b>Ordinance revised. Agenda Item. If Ordinance passes, then staff will establish permitting process.</b>
Strategic Plan	The City currently has no Strategic Plan. Strategic planning is the process to develop a vision of what the City would like in 10, 15, or 20 years, based on forecasted needs and conditions. It defines goals and objectives to achieve those goals. It is not the same as the Comp Plan.	4/3/2017	Council/CM	Ongoing	Council to decide if it wants a Strategic Plan and then to set up a process for developing the plan. If Council moves forward, an outside consultant should be hired to contact the meetings, gather the information, conduct the surveys and develop the draft plan.	Strategic Planning Session scheduled for October. CM getting estimate and open dates from facilitator

**Belle Isle Issues Log  
9/18/2018**

Bird Sanctuary Designation	The City has an ordinance designating Belle Isle as a Bird Sanctuary; however it is not recognized by the state (FWC). In speaking with the FWC Regional Director, the city has not applied for the designation IAW Florida Statutes. The Council would like to have BI recognized as a bird sanctuary hoping that it will protect many of the birds that call Lake Conway home.	4/3/2017	CM	12/31/2017 <b>Completed 7/3/2018</b>	Application completed per Florida Statutes and sent to FWC for consideration at FWC January Meeting. New ordinance adopted IAW FWC guidelines and FAL 68a-19.002 Second Reading and adoption at August 7 meeting. Signage per agreement is made. Sent to sign maker for estimate of cost.	<b>Signs made. Staff developing distribution plan for signage.</b>
Municipal Code Update	The City Council contracted with a planner to update the municipal code. This process was not completed and needs to be completed. There have been significant code changes in the past few years that need to be in the code.	4/3/2017	CM/CC	Ongoing	Meet with consultant to determine what was done and what is left to do.	Moratorium on lot splits. Report due to Council with recommendations at October 16 Meeting
Comp Plan Updates	The comp plan is reviewed every 7 years to see if it needs to be updated. The City Council contracted with a planner to update the comprehensive plan. In March, the consultant told the Council that the plan is up to date and no changes are necessary. CM believes that changes are needed. They could be made anytime.	3/1/2017	Council Planner CM	Ongoing	Meet with consultant to determine what was done and what is left to do.	Comp Plan review started by CM. Revisions needed if Annexations occur. Planner assisting in Comp Plan update
Annexation	Council discussed the desire to annex contiguous property in order to build the tax base and possibly provide more commercial development in Belle Isle.	4/3/2017	Council CM	12/31/2017	Council determined the priority to annex.	CM to set up a series of community meetings to discuss annexations with residents (after passage of budget). Next PC Community Meeting schedule (tentative): Late November – Community Meeting; December - Planning & Zoning Board; January – Board of County Commissioners (1st hearing); February - Board of County Commissioners (2nd hearing)
Sustainability	Council discussed sustainability and energy initiatives.	4/3/2017	CM	12/31/2107	Look at LED lighting and Solar power for city facilities. Look at Community Garden (possibly at Wallace/Matchett)	Quotes received for solar on BIPD and possibly City Hall.
Forensic Audit	Council directed a forensic audit be conducted	17-Oct	CM/FD	9/30/2018	Auditor has list of questions for staff to answer. Conducted interviews. Delay in getting informaiton from old system.	All questions are turned in. Auditor putting together draft report. Should be received by the City in mid-September.

**Belle Isle Issues Log  
9/18/2018**

Tree Issues	There have been several issues regarding trees, tree care, and concerns on landscaping requirements to save trees. The City recently created a Tree Advisory Board that will review the standards of tree care	11/21/2017	CM Tree Board	3/31/2018	Tree Advisory Board to review current tree ordinances and processes for tree care, removal and protection. Arbor Day held. Tree ordinance back to Tree Board for further changes.	City received its first Tree City USA designation. With Tree City designation, consider this closed as the Committee will report to Council on meetings.
Parking	Council directed review and possible changes to parking ordinance. Focus on parking on grass and in front yards	6/19/2018	CM Code Enf	9/30/2018	Staff to review parking ordinances and BIMC.	<b>Changes made to parking Ordinance. Staff discussing changes. For October meeting.</b>



# CITY OF BELLE ISLE, FL

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

## MEMORANDUM

From the Desk of Bob Francis, City Manager

**To:** Mayor and Council  
**Date:** September 11, 2018  
**Re:** Lake Conway Navigation Board Meeting

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

Synopsis of the September 11, 2018 Lake Conway Navigation Board Meeting

1. Under Public Comment: Several residents from the Camelot Subdivision in Edgewood spoke about the poor shoreline conditions at the Camelot Beach and requested the Board for assistance in cleaning it up. After much discussion, the Board will move it forward. The Nav Board Secretary stated the EPD is working on a cost share program for this problem.

Also under public comment, Belle Isle City Manager thanked the Board for their approval to purchase the Cross lake property and stated that the County public hearing will be October 2, 2018. He also showed them the sign that will be posted on the upland shore of the lakes that make Belle Isle a restricted hunting area. The Board asked if it could be extended to Edgewood and Orange County. City Manager stated that he would work with anyone who wanted to look at this.

2. Comments from the Chairman: Chairman Vause thanked Commissioner Pete Clarke for his years of service to the community and for his support of the Nav. Board.
3. EPD Report:
  - a. Clarification of Off-Duty Lake Patrol Schedule: Tara Urbanik, Secretary to the Board, went over a holiday schedule and when to have both OCSO and BIPD on patrol. A motion was approved by the board to approve off-duty lake patrol for Memorial Day, July 4<sup>th</sup>, and Labor Day Holidays to allow BIPD to invoice the Board for Off-Duty Patrol when OCSO is also on the water.
  - b. Sunshine Law Update: Ms. Urbanik gave a presentation to the Board on the Sunshine Law as a refresher for Board Members.



4. Marine Patrol Report: The Marine Patrol Report for May was presented by OCSO. The report is attached. This report is combined with the BIPD report (attached). CPL Bowers also stated that since the restricted hunting area is a Belle Isle ordinance, the OCSO cannot enforce the restriction unless and MOU is developed and agreed to.
5. Advisory Member Reports: None
6. Water Elevation Report: David Woods reported on the lake levels (report attached). You can sign up for Lake Conway reports and important emails at <https://tecengr.yolasite.com/cnb.php>
7. Non-Agenda Items: Commissioner Pete Clarke addressed the Board stating that at the Commissioner meeting, they discussed the Butler chain of lakes stating that the high water is leaving some docks submerged, so at the next BOCC meeting, the Commission is going to discuss passing an ordinance to allow flagging or marking docks during high water to make them visible.
8. The meeting adjourned at 7:45 PM.

#### Attachments

- Nav Board Agenda
- Minutes of 8/14/18 Meeting
- Marine Patrol Report (OCSO and BIPD)
- Lake level report



# Belle Isle Police Department

1521 NELA AVENUE  
 BELLE ISLE, FL 32809  
 PHONE (407) 240-2473  
 FAX (407) 850-1616

## Marine Stat Sheet

<i>Date(s)</i>	Overall August Marine Stats			
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### Patrol Activity

						<i>Totals</i>
Boat Stops						24
Citations Issued						5
Warnings Issued						5
Boat Inspections						12
Boats Towed						0
Dispatched Calls						1
Reports Written						0
Vessel Accidents						0
Ramp Checks						34
FIR's						0
Patrol Assists						2

### Arrests

Felony						0
Misdemeanor						0
BUI						0

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

September 11, 2018 at 6:30 P.M. at the Orange County Facilities Management Training Room

## PLEDGE OF ALLEGIANCE

- I. Call Meeting to Order
- II. Approval of the August Minutes
- III. Public Comment
- IV. Comments of the Chairman
- V. Orange County EPD Report
  - Clarification of Off-Duty Lake Patrol Schedule
  - Sunshine Law Update
- VI. Marine Patrol Report
- VII. Advisory Board Member Report
  - Chairman Ray Vause
  - Vice Chairman Bobby Lance
  - Jay Herrington
  - Micky Blackton
  - Alvin Luther
  - Gary Meloon
- VIII. Lake Conway Water Elevation Report
- IX. Non- Agenda Items
- X. Meeting Adjourned

## WHEN SPEAKING, PLEASE GIVE YOUR NAME AND ADDRESS

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

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

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

**Lake Conway Water and Navigation Control District Advisory Board  
Regular Meeting  
Orange County Facilities Management Training Room  
August 14, 2018**

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**Board Members Present:** Rabon Vause (Chairman), Bobby Lance (Vice-Chairman), Micky Blackton, Gary Meloon and Frances Guthrie

**Board Members Absent:** None

**Staff & Guests:** Tara Urbanik, Tim Hull & Bryce Edwards, Orange County Environmental Protection Division (EPD); Commissioner Pete Clarke, Orange County Board of County Commissioners (BCC); Stephen Butler, Lake Anderson Advisory Board Chairman; Corporal Bim Lowers, Orange County Sheriff's Office (OCSO); Mayor Lydia Pisano, City of Belle Isle; Chief Laura Houston, Belle Isle Police Department

**Residents:** Horton Johnson, Randy Holihan, Brian Leahy, Clete and Alice Huhn, David Woods, Dan O'loane, Dave Grant, Richard Horn, and Cindy Lance

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**I. Call to Order**

With a quorum present, Rabon (Ray) Vause called the meeting of the Lake Conway Water and Navigation Control District Advisory Board (Advisory Board) to order at 6:37 p.m.

**II. Approval of the June 12, 2018 Meeting Minutes**

**Upon a motion by Micky Blackton, seconded by Gary Meloon, and carried with all present members voting AYE by voice vote; the Advisory Board approved the June 12, 2018 meeting minutes as presented.**

**III. Public Comment on Propositions before the Advisory Board**

Chairman Vause received four requests during the public comment period. Lydia Pisano, the Mayor of the City of Belle Isle, stated the City has received resident concerns on the Lake Conway water elevation. Discussion ensued. Mayor Pisano also requested if a future lake clean up could be conducted near the "Shallows" on the middle lobe. Brian Leahy, a resident, expressed his concerns with boating safety on the Conway Chain of Lakes. Dave Grant, a resident, stated his concerns with the depth of the Willoughby canal and asked for an update on the muck depth study. Mr. Grant also asked if a navigation sign can be reinstalled at the mouth of the canal. Ms. Urbanik stated the navigation marker previously installed at this location is not noted as a permitted marker within the County's Florida Uniform Waterway Marker permit. Mr. Grant also added concerns with individuals trespassing through private property to reach the "Sandbar" area on the middle lobe. Vice Chairman Lance stated the Willoughby and Barby Lane canals are shallow by nature and cannot be dredged for additional depth. Ms. Urbanik added, the Advisory Board placed the canal depth study on hold until the Lake Conway Stormwater Study is complete, to assess project recommendations and what projects should take priority. Alice Huhn, a resident, stated her concerns with the excessive driving of wake boats through the narrow connector between the two lobes of Little Lake Conway. Ms. Urbanik will reach out to the Water Sports Industry Association (WSIA) for educational assistance.

**IV. Comments of the Chairman**

Chairman Vause welcomed and introduced Frances Guthrie, a new Advisory Board member. Ms. Guthrie provided a brief background.

**V. Lake Anderson Alum Treatment System Update**

In 2016, the Lake Conway Advisory Board approved an expenditure of \$6,000, to assist the Lake Anderson taxing district with street sweeping services within the Lake Anderson drainage basin, until their Alum Treatment System (ATS) is complete. The ATS is now complete. The Lake Anderson Advisory Board Chairman, Stephen Butler, was in attendance to provide the project update. Chairman Butler provided information on Lake Anderson, the ATS project, and how the project is proposed to be funded in partnership with Orange County. Chairman Butler requested that the Advisory Board consider assisting with \$5,000 in annual funding for the operations and maintenance costs of the Lake Anderson ATS. Ms. Urbanik provided a handout to the Advisory Board. Commissioner Clarke provided history on Lake Anderson and the ATS project and recommended the project because of the connectivity to Lake Conway. Discussion ensued.

**Upon a motion by Bobby Lance, seconded by Micky Blackton, and carried with all present members voting AYE by voice vote; the Advisory Board approved to discuss a \$5,000 budget request for the Lake Anderson Alum Treatment System, for Fiscal Year 2019-2020.**

**VI. Cross Lake Beach**

Mayor Pisano presented the proposal to purchase a lakefront lot, which is located at the western end of Cross Lake Road on Oak Island. The property in question is owned by the Board of Trustees of the Internal Improvement Trust Fund (TIITF). The City's intent is to keep the land as green space and as a public park, as it has been for over 50 years. The area is 0.16 acres and has a 50' shoreline, with the City being the upland owner. Vice Chairman Lance asked if the City has worked with the adjacent neighbor on ingress/egress access. Mayor Pisano confirmed the resident would still have ingress/egress access and there would not be boat docks or boat ramps built on the property.

**Upon a motion by Micky Blackton, seconded by Gary Meloon, and carried with all present members voting AYE by voice vote; the Advisory Board voted for a motion of No Objection to the purchase, as presented.**

**VII. Orange County EPD Report**

**Annual Approval of Routine Services**

Ms. Urbanik discussed the projected costs of the 2018-2019 fiscal year routine services (curb inlet basket cleaning, street sweeping, off duty lake patrol, aquatic weed control, baffle box cleaning, and gate keeper costs) for the Lake Conway Water and Navigation Control District (a handout was passed out). The Advisory Board discussed the various services and costs.

**Upon a motion by Bobby Lance, seconded by Micky Blackton, and carried with all present members voting AYE by voice vote, with Rabon Vause and Gary Meloon being absent; the Advisory Board approved up to \$394,000 for the annual routine services for the 2018-2019 fiscal year.**

**Canal Assessment**

At the time of assessment, the water level was at Normal High Water Elevation (NHWE). The canal depth was approximately four to five feet in Willoughby canal and three to four feet in Barby Lane canal. The dead end of Barby Lane canal was approximately two feet deep. The muck depth was approximately one to two feet in various portions of the canal. Currently there is not a navigation concern within the canals. Ms. Urbanik stated the current water elevation of Lake Conway has finally reached the NHWE which has helped immensely with the navigability of these canals.

**Aquatic Plant Management Biobase Update**

Ms. Urbanik handed out a copy of the recent 2018 Biobase vegetation density survey. The presence of Pondweed (*Potamogeton illinoensis*), which was abundant in the lake during the summer and fall timeframe of 2015, has also significantly receded.

**Clarification of Off-Duty Lake Patrol Schedule**

Ms. Urbanik requested a clarification on the days of weeks and timeframes approved for off-duty patrol. Chairman Vause requested to table the off-duty patrol schedule discussion until the next meeting. An invoice was received from the Belle Isle Police Department (BIPD) for off-duty patrol while the Orange County Sheriff's Office (OCSO) provided two to three on-duty patrol vessels during Memorial Day weekend. The invoice for the day is pending approval, Ms. Urbanik requested discussion if the invoice can be approved.

**Upon a motion by Bobby Lance, seconded by Micky Blackton, and carried with all present members voting AYE by voice vote; the Advisory Board approved the BIPD invoice for May 27, 2018, in the amount of \$280.00.**

Discussion ensued regarding the upcoming Labor Day off-duty and on-duty lake patrol schedule.

**Upon a motion by Micky Blackton, seconded by Bobby Lance, and carried with all present members voting AYE by voice vote; the Advisory Board approved one Belle Isle Police Officer to work in an off-duty status, for eight hours each day, during the 2018 Labor Day weekend, on Saturday, Sunday and Monday.**

**Sunshine Law Update**

Chairman Vause requested to table the Sunshine Law discussion until the next meeting.

**VIII. Marine Patrol Report**

Corporal Lowers presented the off-duty patrol report and also provided a report for the July 4<sup>th</sup> on-duty holiday patrol. The on-duty patrol dive unit conducted an in lake cleanup within the Hoffner canal and removed a lot of submerged trash. Residents have called in and requested extra patrols within the canals to address speeding. Discussion ensued.

**IX. Advisory Board Member Report**

- Chairman Ray Vause: Chairman Vause thanked residents for attending the meeting and for providing their comments and concerns to the Advisory Board.

- Vice Chairman Bobby Lance: Vice Chair Lance discussed an “end of pipe” trash collector solution to prevent trash from entering the lake. Ms. Urbanik explained the County does not recommend covering the end of an outfall pipe because the concern of upstream flooding.
- Micky Blackton: No comment
- Gary Meloon: Thanked everyone for coming, and asked what is required by law, for a personal watercraft company to use a public boat ramp, for their business. Corporal Lowers gave information on the boating law.
- Frances Guthrie: Thanked the Advisory Board for a great first meeting.

**X. Lake Conway Water Elevation Report**

David Woods presented his Water Elevation report. Mr. Woods described the fluctuating lake levels, the predicted rainfall for the future fall and winter seasons, and recommended the County lower the lake level by six inches. Ms. Urbanik stated the Daetwyler Weir is managed by Orange County Public Works Stormwater. The Daetwyler weir boards are typically removed in preparation of an upcoming tropical storm. The County follows a lake elevation scheduled noted in their Water Management District permit and has to be mindful of affecting residents downstream.

**XI. Non-Agenda Items**

Vice Chairman Lance requested an update on the concerns with the Wallace Road outfall. Mr. Meloon stated the turbidity leaving the stormwater pipe outfall is bad again. Ms. Urbanik stated she forwarded the complaint for water quality sampling.

**XII. Meeting Adjourned**

Chairman Vause adjourned the meeting at 8:52 p.m.

\_\_\_\_\_  
Rabon Vause, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Minutes prepared by Tara Urbanik

\_\_\_\_\_  
Date



# Lake Conway Marine Patrol Report



## Orange County Sheriff's Office & Belle Isle Police Department

Aug-18

OCSO	BIPD	OCSO	OCSO	BIPD	OCSO	OCSO	BIPD	OCSO	OCSO	BIPD	OCSO	OCSO	OCSO	OCSO	BIPD	OCSO	OCSO	BIPD	OCSO	Total	
2	4	4	4	5	5	9	10	11	11	12	12	17	18	19	23	24	25	26	29	31	20

**Dates**

**Arrests**

Felony  
 Misdemeanor  
 Warrant Arrests

																					0	
																						0
																						0

**Productivity**

Field Intelligence Reports  
 Dispatched Calls for Service  
 Reports Written  
 Vessel Accidents  
 Vessel Stops  
 Boating Citations Issued  
 Boating Warnings Issued  
 Vessel Inspections  
 Ramp Checks  
 Patrol Assists/Back-Ups

																						0
																						0
																						0
																						2
2	4	6	13	6	1	1	5	7	3	14	2	11	14	2	4	12	14	2	6		129	
			2				3		1	2	1		6			1		1	2		19	
3		4	8	2	1	1	1	5	2	4	1	3	4	2	7	3	1	5			56	
1	4	3	9	6			2	3	3	4	1	3	4		4	7		3			54	
4	2				2	3	2		4	4	2	4	4		4	4		4			39	
																		1				1

Hours Worked

4	5	8	6	5	2	2	5	8	5	8	4	8	8	2	2	9	8	5	4		108
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**Comments:**

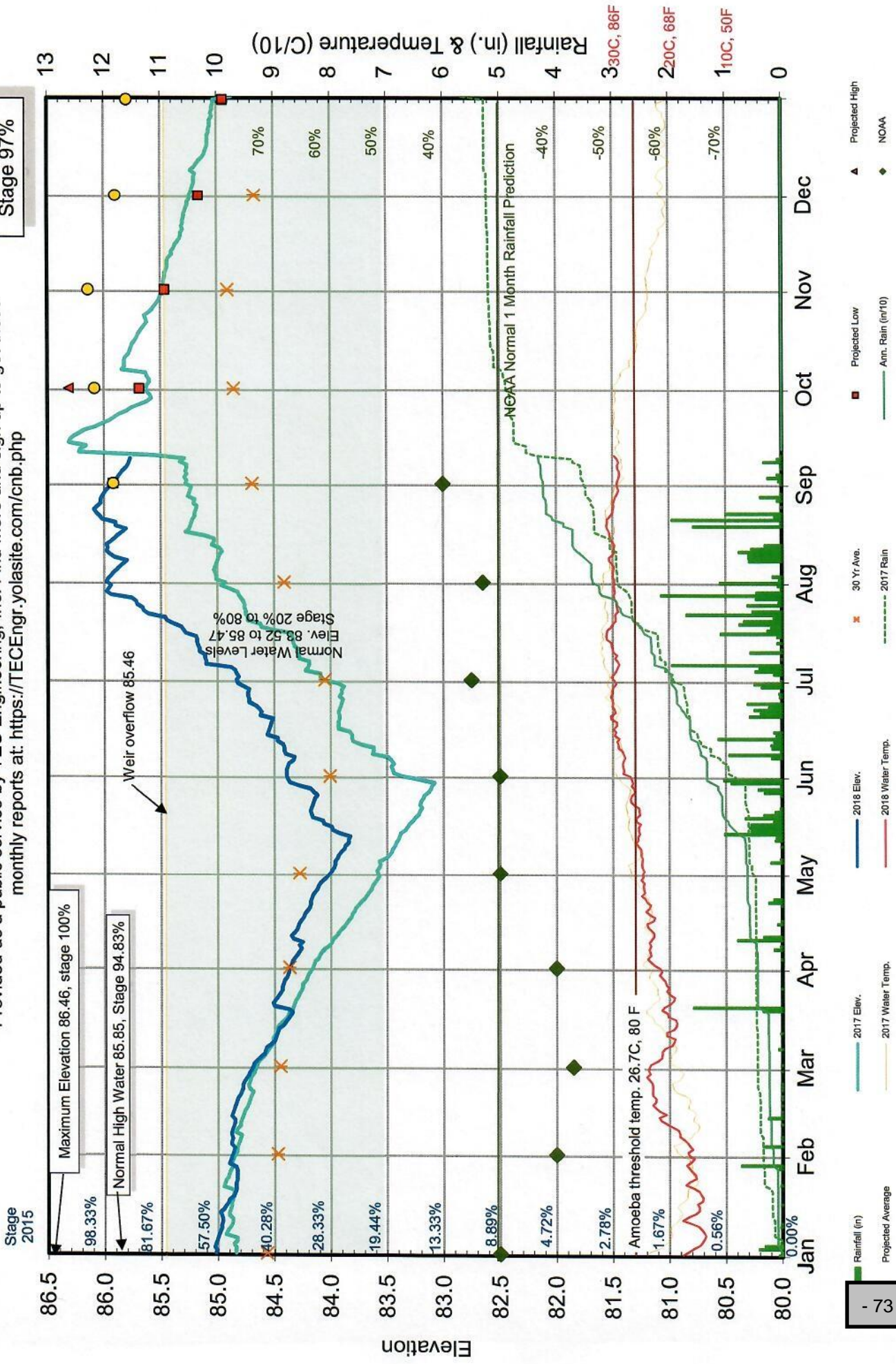
08/19/18: Two minor boating accidents but neither met the requirements for an FWC report; one of the PWC's was issued a careless citation. A total of 17 the citations were issued in August with the majority going to PWC's.



# Lake Conway 2018 Elevations (NAVD 88)

Provided as a public service by TEC Engineering, Inc. Find more and sign up to get these monthly reports at: <https://TECEngr.yolasite.com/cnb.php>

8/31/18  
Elev 85.95  
Stage 97%





## CITY OF BELLE ISLE, FLORIDA

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

August 2, 2018

Nancy Conicella, Esquire  
450 S. Orange Ave, Ste. 200  
Orlando, FL 32801

Re: 6820 Seminole Drive Variance Application Denied by the Planning and Zoning Board

Dear Ms. Conicella,

This letter is to confirm that the Planning and Zoning Board denied your application for a variance (Case #2018-06-016) for 6820 Seminole Drive, Belle Isle, Florida at their meeting held on July 24, 2018.

At the July 24, 2018 Planning and Zoning Board meeting, the Board specifically denied the variance request below:

Variance from Sec. 54-2 (a). - Substandard Lots of Record, to allow for each individual lot (Lot 4 and Lot 5) that comprises the currently developed parcel to be redeveloped as individual lots instead of being required to be aggregated as one tract, and allow for a reduction from the Sec. 50-73.- Site and building requirements, for the R-1-AA required minimum lot width of 85 feet, in anticipation of a lot split request on the subject parcel, that would result in each lot respectively retaining their historical substandard lot width of 70.06 feet.

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

Please contact me if you would like to discuss this further.

Sincerely,

Bob Francis, ICMA-CM  
City Manager

July 10, 2018

**Variance Application:** 6820 Seminole Drive, Parcel # 29-23-30-4389-02-040

**Applicant Request:** Variance from Sec. 54-2 (a). - Substandard Lots of Record, to allow for each individual lot (Lot 4 and Lot 5) that comprises the currently developed parcel to be redeveloped as individual lots instead of being required to be aggregated as one tract, and allow for a reduction from the Sec. 50-73.- Site and building requirements, for the R-1-AA required minimum lot width of 85 feet, in anticipation of a lot split request on the subject parcel, that would result in each lot respectively retaining their historical substandard lot width of 70.06 feet.

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

**Review Comments**

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

This application is seeking to redevelop the property as two individual single-family lots under each original lot's historical configuration. Each lot originally had a lot width of 70.06 feet, which is less than the required 85 feet in the current land development code for R-1-AA. This request requires a variance from the provisions of Sec. 54- 2 (a) and Sec. 50-73 to accommodate the redevelopment as proposed. If approved, the applicant could then seek a lot split to return each lot to individual development rights.

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

The same request for this property was heard by the Planning and Zoning Board at the January 24, 2017 meeting and approved by the Board. Since that time, no development related to the approved variance commenced, therefore the variance approval expired.

### **Staff Recommendation**

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

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

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

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

The request for a variance is self-created as the application is seeking to deviate from code requirements for minimum required lot width so that a house may be built on each lot that currently makes up one parcel.

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

The requested variance is the minimum possible variance to make reasonable use of the land and building as each lot is shown and historically platted at 70.06 feet in width.

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

The requested variance could be construed to be in harmony with the general purpose and intent of the land development code and not injurious to the neighborhood as it could provide a development transition from 3 abutting lots zoned R-2 on the west that require a minimum lot width of 60 feet and would be consistent with abutting individual lots that are 70 feet in width.

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

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**NOTICE OF PUBLIC MEETING**

**JULY 24, 2018 – 6:30PM**

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**CITY OF BELLE ISLE  
PLANNING AND ZONING BOARD REGULAR SESSION**

**ITEM 5  
MEMORANDUM**

**TO:** Planning and Zoning Board  
**DATE:** July 24, 2018

PUBLIC HEARING CASE #2018-07-015 - Pursuant to Belle Isle Code Sec. 42-64, the Board shall consider and take action on a requested variance from Sec. 54-2 (a) Substandard Lots of Record, to allow for each individual lot (Lot 4 and Lot 5) that comprises the currently developed parcel to be redeveloped as individual lots instead of being required to be aggregated as one tract, and allow for a reduction from the Sec. 50-73.- Site and building requirements, for the R-1-AA required minimum lot width of 85 feet, in anticipation of a lot split request on the subject parcel, that would result in each lot respectively retaining their historical substandard lot width of 70.06 feet, submitted by applicant Nancy Conicella, Esquire, for the property located at 6820 Seminole Drive, Belle Isle, FL 32812 also known as Parcel #29-23-30-4389-02-040.

**Background:**

1. On November 29, 2016, Daryl M. Carter submitted the application, fee, and required paperwork.
2. The variance granted (Case No. **2016-12-001**) at the January 24, 2017 Planning & Zoning Board meeting for 6820 Seminole Drive, Belle Isle, FL has expired and is void due to development permits not being pulled within the required timeframe of the variance granted.
3. On June 7, 2018, the applicant Nancy Conicella re-submitted the application, fee, and required paperwork.
4. A Notice of Public Hearing legal advertisement was placed in the Saturday, July 14, 2018, Orlando Sentinel.
5. Letters to the abutting property owners within 300 feet of the subject property were mailed on Thursday, July 12, 2018.

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

The Board will need to determine if the criteria set forth in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met, and approve, approve with conditions, or deny this request.

\* \* \*

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

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**NOTICE OF PUBLIC MEETING**

**JULY 24, 2018 ~ 6:30PM**

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**CITY OF BELLE ISLE  
PLANNING AND ZONING BOARD REGULAR SESSION**

**Applicant Nancy Conicella – Case No. 2018-07-015**

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**SAMPLE MOTION TO APPROVE:**

"I move, the criteria of Chapter 42, Article III, Section 42-64(1) of the Belle Isle Land Development Code having been met to approve this request a variance from Sec. 54-2 (a). - Substandard Lots of Record, to allow for each individual lot (Lot 4 and Lot 5) that comprises the currently developed parcel to be redeveloped as individual lots instead of being required to be aggregated as one tract, and allow for a reduction from the Sec. 50-73.- Site and building requirements, for the R-1-AA required minimum lot width of 85 feet, in anticipation of a lot split request on the subject parcel, that would result in each lot respectively retaining their historical substandard lot width of 70.06 feet on the property described as 6820 Seminole Drive, Belle Isle, FL 32812 also known as Parcel #29-23-30-4389-02-040.

**SAMPLE MOTION TO DENY:**

"I move, the justifying criteria of the Belle Isle Land Development Code, Chapter 42, Article III, Section 42-64(1), having NOT been met; *[use only if NONE of the justifying criteria have been met]* the requirements of section 42-64(1) Subsections: *[STATE ONLY THE SUBSECTIONS BELOW THAT ARE NOT SATISFIED]* having NOT been met; *[may be used in addition to above or alone]* to deny this request for a variance from Sec. 54-2 (a). - Substandard Lots of Record, to allow for each individual lot (Lot 4 and Lot 5) that comprises the currently developed parcel to be redeveloped as individual lots instead of being required to be aggregated as one tract, and allow for a reduction from the Sec. 50-73.- Site and building requirements, for the R-1-AA required minimum lot width of 85 feet, in anticipation of a lot split request on the subject parcel, that would result in each lot respectively retaining their historical substandard lot width of 70.06 feet on the property described as 6820 Seminole Drive, Belle Isle, FL 32812 also known as Parcel #29-23-30-4389-02-040.

**SUBSECTION (D)**, a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.

**SUBSECTION (E)**, personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

**SUBSECTION (F)**, the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

**SUBSECTION (G)**, the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

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

City of Belle Isle

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

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: June 4, 2018 P&Z CASE #: 2018-07-015
X VARIANCE [ ] SPECIAL EXCEPTION [ ] OTHER
APPLICANT: Nancy Conicella, Esq. DATE OF HEARING: June 26, 2018
ADDRESS: 450 S. Orange Ave. Ste 200 OWNER: 6806 Seminole LLC
Orlando, FL 32801 6413 Pinecastle Blvd. Ste 3
PHONE: (407) 418-6257 Orlando, FL 32809-6694

PARCEL TAX ID #: 29-23-30-4389-02-040

LAND USE CLASSIFICATION: Low Density Residential ZONING DISTRICT: R-1-AA

DETAILED VARIANCE REQUEST: The applicant is seeking a variance from the 85' minimum lot width requirement of the R-1-AA zoning district. The applicant desires to split the lot, which would result in lot widths of 70.06'. This variance was approved in 2017, but has since expired.

SECTION OF CODE VARIANCE REQUESTED ON: Section 50-73 - site and building requirements

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

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

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

Nancy Conicella
APPLICANT'S SIGNATURE

Charles M. Crain
OWNER'S SIGNATURE

FOR OFFICE USE ONLY: FEE: \$150.00 6/7/2018 1020
Date Paid Check/Cash Rec'd By
Determination
Appealed to City Council: [ ] Yes [ ] No Council Action:

June 6, 2018

Ms. April Fisher  
Planner  
City of Belle Isle  
1600 Nela Avenue  
Orlando, Florida 32802

**Re: Application for Variance from Minimum Lot Width Requirements in R-1-AA for Property Located at 6820 Seminole Drive (the "Property")**

Dear Ms. Fisher:

Please accept this letter as a part of the submittal package for the above-referenced variance request (the "Request"). The Property is part of a subdivision that was platted in 1922, and as originally platted, the Property consisted of two lots: Lot 4 and Lot 5 of the Lake Conway Park Plat, as recorded in Plat Book G, Page 138, in the Public Records of Orange County, Florida. Each lot had a 70.06-foot width, which is consistent with the majority of the other lots in the plat. A prior owner combined the two lots, but never built on the combined lot. In 2017, the then-owner of the Property obtained a variance to return the Property to its originally platted dimensions.

This Request follows the 2017 variance approval, which has since expired. At the time that the current owner acquired the Property, however, the variance had been approved and was in effect. Thus, the owner was induced to purchase the Property based on the variance approval. The owner desires to split the lot into two lots, resulting in lot widths of approximately 70.06 feet each. The applicant is therefore seeking a variance from the 85-foot minimum lot width requirement of the R-1-AA zoning district.

The Request is consistent with the surrounding area. Most immediately adjacent lots located to the east, west, and north of the Property are non-conforming in terms of size. Additionally, some immediately adjacent lots are non-conforming in terms of side setbacks, front setbacks, and/or rear setbacks. The Property is under-utilized as a single parcel, and should instead be split into two lots. The owner intends to construct a single-family residence on each of the two lots, which will add value to the City both aesthetically, and by increasing the tax base. The Request is the minimum possible variance that would make reasonable use of the land, as each lot was historically platted with a 70.06-foot lot width.



Ms. April Fisher  
June 6, 2018  
Page 2

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The attached aerial illustrates the trend of the immediately adjacent lots. The attached application is the owner's Request for a variance from Section 50-73 of the City's Code. Please feel free to contact me with any questions.

Best regards,



Nancy Conicella

NC/NC  
Attachments





# Boundary Survey (For Lot Split)

## Legal Description:

Parent Tract:  
Lots 4 and 5, Block B, LAKE CONWAY PARK, according to the plat thereof as recorded in Plat Book G, Page 138, Public Records of Orange County, Florida, and ALSO

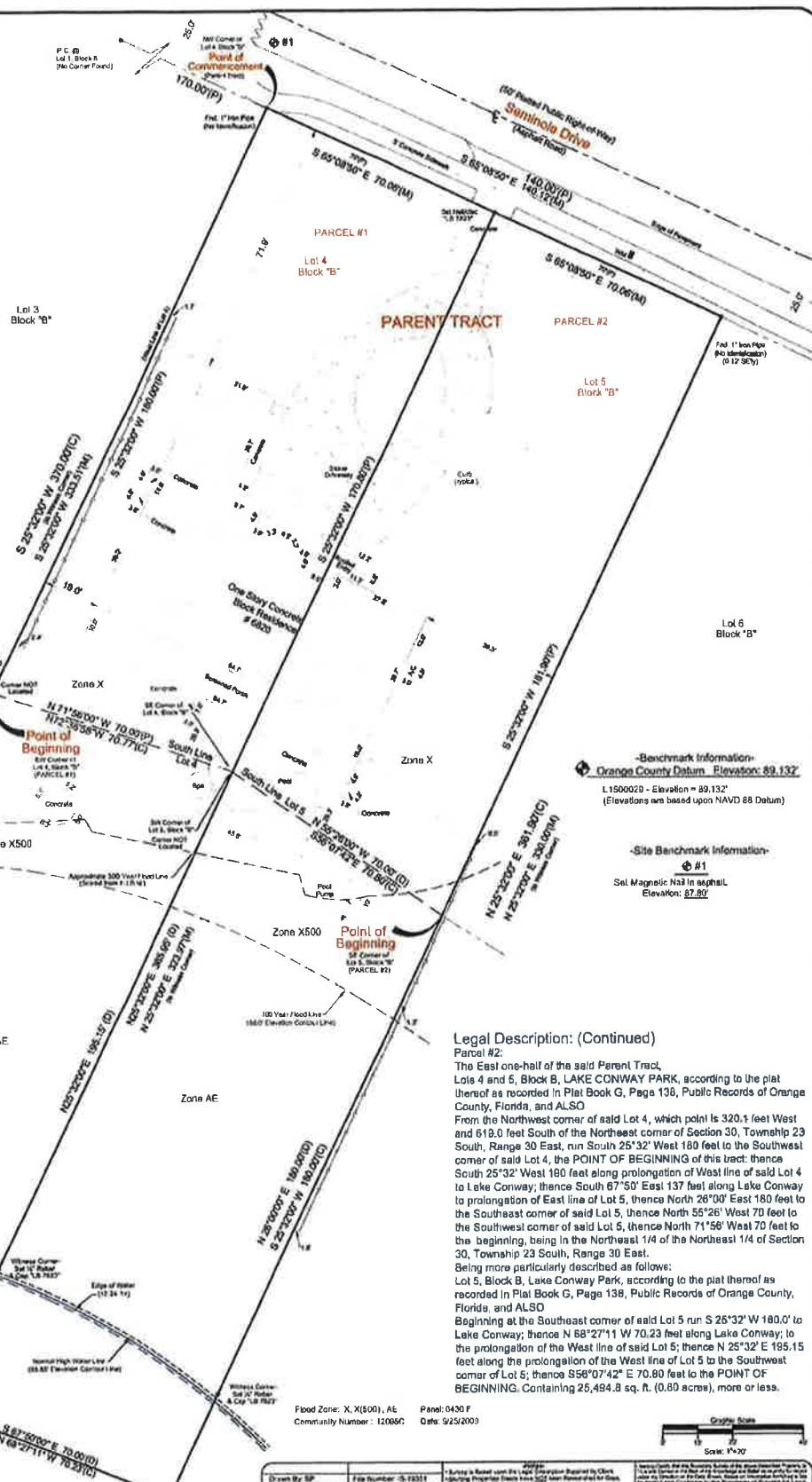
From the Northwest corner of said Lot 4, which point is 320.1 feet West and 619.0 feet South of the Northeast corner of Section 30, Township 23 South, Range 30 East, run South 25°32' West 180 feet to the Southwest corner of said Lot 4, the POINT OF BEGINNING of this tract: thence South 25°32' West 190 feet along prolongation of West line of said Lot 4 to Lake Conway; thence South 67°50' East 137 feet along Lake Conway to prolongation of East line of Lot 5, thence North 26°00' East 180 feet to the Southeast corner of said Lot 5, thence North 55°26' West 70 feet to the Southwest corner of said Lot 5, thence North 71°58' West 70 feet to the beginning, being in the Northeast 1/4 of the Northeast 1/4 of Section 30, Township 23 South, Range 30 East and containing 0.600 acres, more or less.

### Parcel #1:

The West one-half of the Parent Tract,  
Lots 4 and 5, Block B, LAKE CONWAY PARK, according to the plat thereof as recorded in Plat Book G, Page 138, Public Records of Orange County, Florida, and ALSO

From the Northwest corner of said Lot 4, which point is 320.1 feet West and 619.0 feet South of the Northeast corner of Section 30, Township 23 South, Range 30 East, run South 25°32' West 180 feet to the Southwest corner of said Lot 4, the POINT OF BEGINNING of this tract: thence South 25°32' West 190 feet along prolongation of West line of said Lot 4 to Lake Conway; thence South 67°50' East 137 feet along Lake Conway to prolongation of East line of Lot 5, thence North 26°00' East 180 feet to the Southeast corner of said Lot 5, thence North 55°26' West 70 feet to the Southwest corner of said Lot 5, thence North 71°58' West 70 feet to the beginning, being in the Northeast 1/4 of the Northeast 1/4 of Section 30, Township 23 South, Range 30 East, as follows:

Lot 4, Block B, Lake Conway Park, according to the plat thereof as recorded in Plat Book G, Page 138, Public Records of Orange County, Florida, and ALSO  
Beginning from the Southwest corner of said Lot 4, thence South 25°32' West 190.0 feet along the prolongation of the West line of said Lot 4 to Lake Conway; thence South 68°27'11" East 70.22 feet along Lake Conway to the prolongation of the East line of said Lot 4; thence N 25°32' E 195.15 feet to the Southeast corner of said Lot 4; thence N 72°36'58" W 70.77 feet along the South Line of said Lot 4 to the POINT OF BEGINNING. Containing 25,778.5 sq. ft. (0.640 acres), more or less. (See Legal Description Continued for Parcel #2)



**Benchmark Information:**  
Orange County Datum Elevation: 89.132'  
L1500020 - Elevation = 89.132'  
(Elevations are based upon NAVD 88 Datum)

**Site Benchmark Information:**  
#1  
Sel. Magnetic N33 in azimuth  
Elevation: 87.80'

## Legal Description: (Continued)

Parcel #2:  
The East one-half of the said Parent Tract,  
Lots 4 and 5, Block B, LAKE CONWAY PARK, according to the plat thereof as recorded in Plat Book G, Page 138, Public Records of Orange County, Florida, and ALSO

From the Northwest corner of said Lot 4, which point is 320.1 feet West and 619.0 feet South of the Northeast corner of Section 30, Township 23 South, Range 30 East, run South 25°32' West 180 feet to the Southwest corner of said Lot 4, the POINT OF BEGINNING of this tract: thence South 25°32' West 190 feet along prolongation of West line of said Lot 4 to Lake Conway; thence South 67°50' East 137 feet along Lake Conway to prolongation of East line of Lot 5, thence North 26°00' East 180 feet to the Southeast corner of said Lot 5, thence North 55°26' West 70 feet to the Southwest corner of said Lot 5, thence North 71°58' West 70 feet to the beginning, being in the Northeast 1/4 of the Northeast 1/4 of Section 30, Township 23 South, Range 30 East.

Being more particularly described as follows:  
Lot 5, Block B, Lake Conway Park, according to the plat thereof as recorded in Plat Book G, Page 138, Public Records of Orange County, Florida, and ALSO  
Beginning at the Southeast corner of said Lot 5 run S 25°32' W 180.0' to Lake Conway; thence N 68°27'11" W 70.23 feet along Lake Conway; to the prolongation of the West line of said Lot 5; thence N 25°32' E 195.15 feet along the prolongation of the West line of Lot 5 to the Southwest corner of Lot 5; thence S58°07'42" E 70.80 feet to the POINT OF BEGINNING. Containing 25,494.8 sq. ft. (0.60 acres), more or less.

Flood Zone: X, XI(500), AE Parcel: 0430 F  
Community Number: 12086F Date: 9/25/2003



Drawn By: SP	File Number: 03-22313	Survey is Based upon the legal description provided by Client. It is the responsibility of the Client to verify the accuracy of the information provided.
Checked By: SP	Date of Survey: 09/25/03	Survey is based upon the legal description provided by Client. It is the responsibility of the Client to verify the accuracy of the information provided.
Surveyed By: SP	Date of Survey: 09/25/03	Survey is based upon the legal description provided by Client. It is the responsibility of the Client to verify the accuracy of the information provided.
Reviewed By: SP	Date of Survey: 09/25/03	Survey is based upon the legal description provided by Client. It is the responsibility of the Client to verify the accuracy of the information provided.
Approved By: SP	Date of Survey: 09/25/03	Survey is based upon the legal description provided by Client. It is the responsibility of the Client to verify the accuracy of the information provided.

**Irland & Associates Surveying, Inc.**  
1381 S. International Parkway, Suite 202  
Lake Mary, Florida 32746  
www.irlandandassociates.com  
Office: 407.876.3360 Fax: 407.876.3361

Lake Conway

# Boundary Survey (For Lot Split)

## Legal Description:

### Parent Tract:

Lots 4 and 5, Block B, LAKE CONWAY PARK, according to the plat thereof as recorded in Plat Book G, Page 138, Public Records of Orange County, Florida, and ALSO

From the Northwest corner of said Lot 4, which point is 320.1 feet West and 619.0 feet South of the Northeast corner of Section 30, Township 23 South, Range 30 East, run South 25°32' West 180 feet to the Southwest corner of said Lot 4, the POINT OF BEGINNING of this tract: thence South 25°32' West 190 feet along prolongation of West line of said Lot 4 to Lake Conway; thence South 67°50' East 137 feet along Lake Conway to prolongation of East line of Lot 5, thence North 26°00' East 180 feet to the Southeast corner of said Lot 5, thence North 55°26' West 70 feet to the Southwest corner of said Lot 5, thence North 71°58' West 70 feet to the beginning, being in the Northeast 1/4 of the Northeast 1/4 of Section 30, Township 23 South, Range 30 East and containing 0.600 acres, more or less.

### Parcel #1:

The West one-half of the Parent Tract,

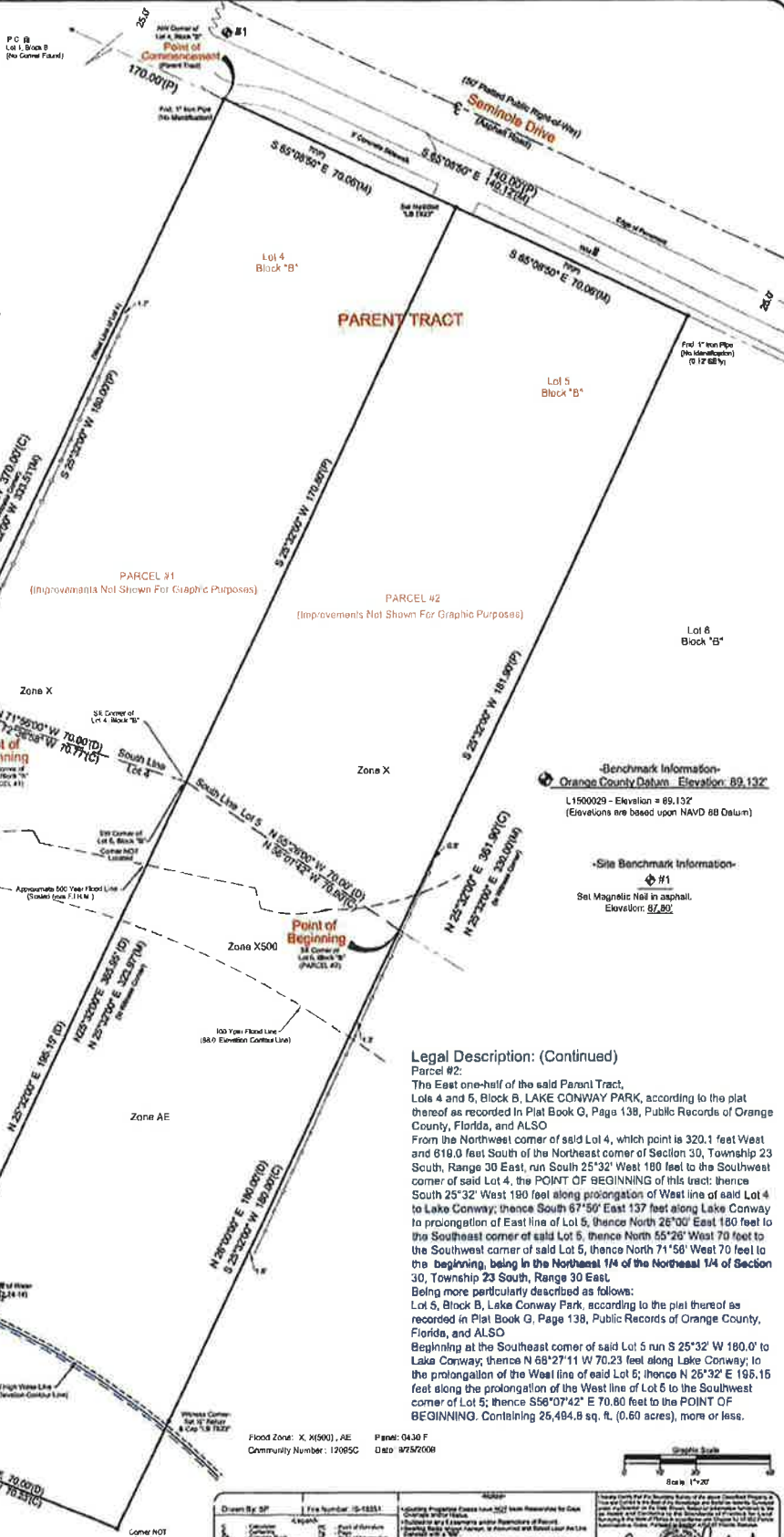
Lots 4 and 5, Block B, LAKE CONWAY PARK, according to the plat thereof as recorded in Plat Book G, Page 138, Public Records of Orange County, Florida, and ALSO

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Being more particularly described as follows:

Lot 4, Block B, Lake Conway Park, according to the plat thereof as recorded in Plat Book G, Page 138, Public Records of Orange County, Florida, and ALSO

Beginning from the Southwest corner of said Lot 4, thence South 25°32' West 190 feet along the prolongation of the West line of said Lot 4 to Lake Conway; thence South 68°27'11" East 70.22 feet along Lake Conway to the prolongation of the East line of said Lot 4; thence N 25°32' E 195.16 feet to the Southeast corner of said Lot 4; thence N 72°38'58" W 70.77 feet along the South Line of said Lot 4 to the POINT OF BEGINNING. Containing 25,778.5 sq. ft. (0.840 acres), more or less. (See Legal Description Continued for Parcel #2)



**Benchmark Information**  
 Orange County Datum  
 L1500029 - Elevation = 89.132'  
 (Elevations are based upon NAVD 88 Datum)

**Site Benchmark Information**  
 #1  
 Set Magnetic Nail in asphalt.  
 Elevation: 87.80'

## Legal Description: (Continued)

### Parcel #2:

The East one-half of the said Parent Tract, according to the plat thereof as recorded in Plat Book G, Page 138, Public Records of Orange County, Florida, and ALSO

From the Northwest corner of said Lot 4, which point is 320.1 feet West and 619.0 feet South of the Northeast corner of Section 30, Township 23 South, Range 30 East, run South 25°32' West 180 feet to the Southwest corner of said Lot 4, the POINT OF BEGINNING of this tract: thence South 25°32' West 190 feet along prolongation of West line of said Lot 4 to Lake Conway; thence South 67°50' East 137 feet along Lake Conway to prolongation of East line of Lot 5, thence North 26°00' East 180 feet to the Southeast corner of said Lot 5, thence North 55°26' West 70 feet to the Southwest corner of said Lot 5, thence North 71°58' West 70 feet to the beginning, being in the Northeast 1/4 of the Northeast 1/4 of Section 30, Township 23 South, Range 30 East.

Being more particularly described as follows:

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Flood Zone: X (X500), AE  
 Community Number: 12065C  
 Panel: 0430 F  
 Date: 9/25/2008



Drawn By: SP	File Number: 15-18531	46209	Surveyor Seal
<ul style="list-style-type: none"> <li>Location</li> <li>Area</li> <li>County</li> <li>Section</li> <li>Range</li> <li>Township</li> <li>Plat Book</li> <li>Page</li> <li>Survey Date</li> <li>Surveyor</li> <li>Scale</li> <li>Projection</li> <li>Notes</li> </ul>	<ul style="list-style-type: none"> <li>Part of</li> <li>Section</li> <li>Range</li> <li>Township</li> <li>Plat Book</li> <li>Page</li> <li>Survey Date</li> <li>Surveyor</li> <li>Scale</li> <li>Projection</li> <li>Notes</li> </ul>	<ul style="list-style-type: none"> <li>Locating Progression Lines have 20' been Resurveyed for Dark Control in this Block</li> <li>Location of any Easements and Right-of-Way</li> <li>Property Lines are shown in Red and Black Color on this</li> <li>Platting this survey to be used in Record Property Lines</li> <li>Surveyor's Name and Address</li> <li>Professional Seal and Signature</li> <li>Surveyor's License Number</li> <li>Surveyor's Registration Number</li> <li>Surveyor's Commission Expires</li> <li>Surveyor's Office Address</li> <li>Surveyor's Office Phone</li> <li>Surveyor's Office Fax</li> <li>Surveyor's Office Email</li> <li>Surveyor's Office Website</li> <li>Surveyor's Office Address</li> <li>Surveyor's Office Phone</li> <li>Surveyor's Office Fax</li> <li>Surveyor's Office Email</li> <li>Surveyor's Office Website</li> </ul>	<p>Surveyor Seal</p> <p><i>Signature</i></p> <p>Surveyor Seal</p>

Lake Conway

