



city council agenda

Agenda
August 15, 2017 * 6:30 PM
City Council Meeting
City Hall Chambers 1600 Nela Avenue, Belle Isle

Lydia Pisano Mayor	Frank Kruppenbacher City Attorney	Bob Francis City Manager	Ed Gold District 1	Anthony Carugno District 2	Jeremy Weinsier District 3	Bobby Lance District 4	Harv Readey District 5	Lenny Mosse 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.

Meeting Procedures

Workshops are a working session and do not allow for public comment. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you for participating in your city government.

1. Call to Order and Confirmation of Quorum

2. Invocation and Pledge to Flag - Jeremy Weinsier, Commissioner District 3

3. Consent Items

- a. Approval of the City Council Regular Session minutes for July 18, 2017
- b. Approval of the City Council Budget Workshop and Regular Session minutes for August 1, 2017

4. Citizen's Comments

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

5. Unfinished Business

- a. ORDINANCE 17-05 SECOND READING AND ADOPTION - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING SURPLUS OF CITY PROPERTY; BY AMENDING ARTICLE V., DIVISION 2. SURPLUS OF CITY PROPERTY SECTION 2.24 – DISPOSAL WHEN VALUE \$100.00 TO \$5,000.00; PROVIDED FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND [PROVIDING FOR AN EFFECTIVE DATE.
- b. ORDINANCE 17-06 SECOND READING AND ADOPTION - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING CHAPTER 10, "ENVIRONMENT", ARTICLE II "PUBLIC NUISANCE" OF THE CODE OF THE CITY OF BELLE ISLE BY THE ADDITIONS OF SECTIONS 10-37, "PROHIBITION": 10-38, EXEMPTIONS"; 10-39, "DELIVERY TO PRIVATE RESIDENCES AFTER NOTICE OF OBJECTION";AND 10-40, "VARIANCES", ALL REGARDING THE PLACING OF PAPER, MERCHANDISE OR DISCARDED MATERIAL ON RESIDENTIAL LAWNS AND DRIVEWAYS, MOTOR VEHICLES OR ON PUBLIC STREETS AND SIDEWALKS.

6. New Business

- a. Designate Council Member for Mediation Proceeding
- b. AED Ordinance 17-07 review

"If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F. S. 286.0105). "Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting." –Page 1 of 77

- [c.](#) Bird Sanctuary Ordinance 17-08
- [d.](#) CCA use of Wallace field
- [e.](#) Rezone of Wallace Field
- [f.](#) BING Grant - Oak Island Point Road
- [g.](#) RESOLUTION NO. 17-17 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, OPPOSING THE EROSION OF HOME RULE AUTHORITY EFFECTED BY THE ADVANCED WIRELESS INFRASTRUCTURE DEPLOYMENT ACT; SUPPORTING THE HOME RULE AUTHORITY GRANTED AND GUARANTEED LOCAL GOVERNMENTS BY THE FLORIDA CONSTITUTION; ENCOURAGING THE FLORIDA LEGISLATURE TO RETURN FULL HOME RULE AUTHORITY TO LOCAL GOVERNMENTS WITH RESPECT TO WIRELESS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; EXPRESSING SOLIDARITY WITH OTHER LOCAL GOVERNMENTS OF ORANGE COUNTY, FLORIDA, IN SUPPORTING TECHNOLOGICAL ADVANCEMENT WHILE PRESERVING THE AUTHORITY OF LOCAL GOVERNMENTS TO ENACT REGULATIONS THAT PRESERVE AND PROTECT LOCAL COMMUNITY VALUES AND INTERESTS; PROVIDING AN EFFECTIVE DATE.
- [h.](#) RESOLUTION NO. 17-18 - RESOLUTION IMPOSING A TEMPORARY MORATORIUM OF ONE HUNDRED EIGHTY (180) DAYS UPON THE APPROVAL, ISSUANCE, AND/OR PROCESSING OF ANY PERMITS ALLOWING THE CONSTRUCTION, INSTALLATION, AND/OR MODIFICATION TO FACILITIES PERTAINING TO MINI CELL TOWERS WITHIN THE RIGHT-OF-WAYS AND/OR RESIDENTIAL AREAS OF BELLE ISLE, FLORIDA

7. Attorney's Report

8. City Manager's Report

- [a.](#) Issues log update
- b. Establish charter workshop date/time
- c. Chief's report

9. Mayor's Report

- a. Legislative update
- b. Florida League of Cities update
- c. Coffee with the Mayor, City Manager and District Commissioner

10. Council Reports

- a. Annexation discussion
- b. CCA Issues

11. Adjournment



city council minutes

MINUTES
July 18, 2017 * 6:30 p.m.
City Council Regular Session

The Belle Isle City Council met in a City Council Regular Session on July 18, 2017 at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present:

Mayor Pisano
Vice Mayor Readey
Commissioner Gold
Commissioner Carugno
Commissioner Weinsier
Commissioner Lance
Commissioner Mosse
Commissioner Nielsen

Absent:

Also present: Attorney Tom Callan, City Manager Bob Francis, Chief Houston, Deputy Chief Grimm and City Clerk Yolanda Quiceno. Meeting audio is available on the City's website at www.cityofbelleislefl.org and at City Hall.

CALL TO ORDER

Mayor Pisano called the meeting to order at 6:30pm. Mayor Pisano said Comm Lance's flight was delayed and will join the meeting shortly. Comm Nielsen gave the invocation and led the pledge to the flag.

CONSENT ITEMS

- a. Approval of the City Council regular session minutes of June 6, 2017
- b. Approval of the City Council workshop session minutes of June 14, 2017
- c. Approval of the City Council regular session minutes of June 20, 2017

**Comm Weinsier motioned to approve the consent agenda items as presented
Comm Mosse seconded the motion, which was unanimously approved.**

4. Additions, Deletions or Amendments to Agenda - no report.

CITIZENS COMMENTS

Mayor Pisano opened for Citizen Comments.

1. Steve Upp residing at 5413 Pasadena Drive, Belle Isle spoke in support of having a Belle Isle Police Officer as a School Resource Officer adding another benefit to the City and the Cornerstone families.

There being no further comment Mayor Pisano closed the citizen comment session.

UNFINISHED BUSINESS

- a. RESOLUTION 17-13: A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, PERTAINING TO ESTABLISHING A TEMPORARY MORATORIUM FOR A PERIOD OF 90 DAYS FROM THE EFFECTIVE DATE OF THIS RESOLUTION ON THE ACCEPTANCE, REVIEW, APPROVAL OR ISSUANCE OF ANY LAND DEVELOPMENT PERMITS AS THE TERM IS DEFINED IN FLORIDA STATUTES SECTION 163.3164(16), BUSINESS TAX RECEIPTS OR ANY OTHER LICENSE OR PERMIT FOR THE ESTABLISHMENT OR OPERATION OF DISPENSING FACILITIES WITHIN THE CITY ENGAGED IN THE ON-SITE DISTRIBUTION, SALE, DELIVERY OR RETAIL OF LOW-THC CANNABIS, MEDICAL CANNABIS OR CANNABIS DELIVERY DEVICES PURSUANT TO SECTIONS 381.986 AND 499.0295 OF THE FLORIDA STATUTES, IN

ORDER TO PROVIDE THE CITY WITH AN OPPORTUNITY TO REVIEW AND ENACT REGULATIONS GOVERNING THE ESTABLISHMENT AND OPERATION OF DISPENSING FACILITIES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

Comm Mosse motion to approve Resolution 17-13 providing for a 90-day moratorium on medical Cannabis. Comm Nielsen seconded the motion, which was unanimously approved

NEW BUSINESS

a. Surplus of Public Works Vehicles - F250 and Street Sweeper

City Manager Bob Francis presented Resolution 17-16 providing specific guidance, per Section 2-221, on how the Council declares property as surplus and requested approval of the Resolution and surplus of the following vehicle and equipment,

1. Public Works 1997 Ford F250 – 102,000 miles with an estimated value of \$1,000.
2. Elgin Pelican Street Sweeper 1999 with an estimated value of \$500.
3. John Deere Mower 2005 with an estimated value of \$2,000.

Comm Mosse motioned to approve Resolution 17-16 as presented. Comm Gold seconded the motion, which was unanimously approved.

b. RESOLUTION 17-16: A RESOLUTION DECLARING SURPLUS CERTAIN PERSONAL PROPERTY AND DIRECTING THE CITY MANAGER TO DISPOSE OF THE PROPERTY FOR VALUE THROUGH AN OPEN PUBLIC PROCESS.

City Manager Francis further said Section 2-244 was written in the early 1990's and does not allow for Internet sales of surplus property and proposed an ordinance to change the municipal code to allow for electronic and Internet sales. He asked for approval to direct staff to prepare the proposed ordinance in its final form for consideration.

Comm Weinsier made a corresponding motion to bring back the ordinance in its final form to amend Section 2-224. Comm Gold seconded the motion, which was unanimously approved.

c. Approval of Cornerstone Charter School Resource Officer (SRO) Agreement

City Manager Bob Francis presented a School Resources Officer Agreement with Cornerstone Charter Academy and stated that both parties have agreed to and addressed significant issues with the Agreement. He further clarified that the SRO also commits 2 FTE hours, through a separate agreement with Orange County Public Schools, in Pine Castle Elementary School.

Comm Weinsier made a motioned to approve the School Resource Officer Agreement with Cornerstone Charter Academy. Comm Nielsen seconded the motion, which was unanimously approved.

d. Appointment of Special Events Committee

City Manager Francis said the City Council approved creation of a Special Events Committee and have received four applications. He recommended having Mayor Pisano be appointed to the Committee along with the appointment of the four members for initial terms as follows,

Mayor Pisano	3-year term
Renee Guadalupe	3-year term
Lora Brannan	3-year term
Holly Bobrowski	2-year term
Cindy Lance	2-year term

Comm Moss motioned to appoint the following members to the Special Events Committee.

Comm Weinsier seconded the motion.

Comm Nielsen asked if the City has any upcoming events before October 1st. Mayor Pisano said other than Christmas in July there will be no events that would be of a financial burden to the City.

The motion was unanimously approved.

e. **Social Media Policy review**

City Manager Francis provided a social media policy that will establish guidelines for the establishment and use by the City of social media sites as a means of conveying information. He clarified that the social media sites used will be a “push” of information only and comments will not be allowed. He further added that the City cannot prevent anyone from their first amendment rights to post on other social media sites however; it will be City Council’s responsibility to monitor any negative comments and take action. It will not be the responsibility of the staff or the Public Information Officer (PIO) to keep watch over.

Mr. Francis said it is very important for elected officials to review the policy so they do not violate the Florida Sunshine law. In addition, any City related, social media posts between two elected officials must be maintained and filed for possible public record requests. Discussion ensued on the custodian and retention of records for social media posts. City Manager Francis requested approval of the Social Media Policy and asked that Council, Mayor and staff sign the acknowledgement sheet which will be kept on file. Council further discussed.

Comm Weinsier motioned to approve the consent agenda items as presented

Comm Mosse seconded the motion, which was unanimously approved.

f. **Proposed ordinance on nuisance newspapers**

City Manager Francis presented, as directed by Council, a draft ordinance that prohibits the delivery of unsolicited newspapers to private residential homes. The draft ordinance is similar to the City of Orlando and would change the current City code under Chapter 10 Environment. After discussion, Council consensus is to move forward with the proposed ordinance.

g. **RESOLUTION 17-14: A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AMENDING THE FISCAL YEAR 2016-2017 ANNUAL BUDGET TO ACCOUNT FOR SPECIAL EVENTS REVENUE RECEIVED AND INCREASE CORRESPONDING EXPENDITURES; AND PROVIDING AN EFFECTIVE DATE.**

City Manager Francis said Resolution 17-14 would amend the budget and increases the revenue by \$400.00 received for the Easter Egg Hunt special events.

Comm Nielsen shared her concern with the cost of the Earth Day event and requested that the Special Events committee look into other options for future events.

Comm Weinsier moved to adopt Resolution 17-14 as presented.

Comm Mosse seconded the motion, which passed unanimously

h. **RESOLUTION 17-15: A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AMENDING THE FISCAL YEAR 2016-2017 ANNUAL BUDGET TO INCREASE THE BUDGETED EXPENDITURES FOR ENGINEERING FEES WITHIN THE TRANSPORTATION IMPACT FEE FUND FOR THE TRENTWOOD BLVD TRAFFIC STUDY; AND PROVIDING AN EFFECTIVE DATE.**

City Manager Francis said Council has approved conducting a traffic study at the intersection of Trentwood Blvd and Daetwyler Drive. He has hired Kittleson Engineering to conduct the traffic study. Kittleson Engineering agreed to conduct the study into two phases totaling \$24,000.

Comm Mosse shared his concern with the additional cost for a traffic plan that should have been completed before the development was approved.

After Council discussion, Comm Carugno motioned to table the discussion until Comm Lance can be present and asked the City Manager to call Mattamy Homes and retrieve a copy of the traffic study that was already completed during development.

Comm Gold seconded the motion, which passed 5:1 with Comm Nielsen in opposition.

i. Approval of BING Grant for Horizon Court Wall

Mayor Pisano called for approval of the BING Grant application for the Regal Landing Wall Repair in the amount of \$700.00.

Comm Gold motioned to approve the BING Grant application for Horizon Court.

Comm Mosse seconded the motion, which was unanimously approved.

j. Appointment of Russell Wayne Cheezum for Planning & Zoning Board District 6

Comm Mosse presented his appointment for District 6 Planning & Zoning Board.

Comm Mosse motioned to ratify Russell Cheezum for District 6 Planning & Zoning Board.

Comm Gold seconded, which was unanimously approved.

ATTORNEY REPORT

a. Comins Development LLC's - Request for Relief update

Attorney Callan reported that Comins Development project has filed a Chapter 70.5(1) Land Use Environmental and Dispute. The City has agreed to a hearing date of August 29, 2017 to help facilitate a resolution. Attorney Callan gave a brief overview of the hearing process.

b. Open Space and Parks update

Attorney Callan said he is currently researching all the parks in the City and will be looking at each park individually as discussed at the last workshop. Attorney Callan said he would like to initially address the Wallace property and Venetian Boat ramp. He will provide his findings to the City Manager and report at the following meeting.

c. Attorney Callan reported the previously approved FEMA Ordinance had some duplicate language and the State has requested the correction as a scrivener's error. He will bring the Ordinance forward as a corrected ordinance for second reading.

CITY MANAGER REPORT

a. Mr. Francis reported on the Aviation Noise Abatement Committee meeting and said the FAA will be rolling out a new plan called Next Gen. He further reported on the number of complaints they have received to date from Belle Isle and Orange County residents.

b. He reported on the Lake Conway Shores Drainage delay.

c. The staff Budget presentation will be held on July 25, 2017.

d. Mr. Francis reported on the NAV Board meeting and said he has requested funding from the NAV Board for the Swann Beach drainage upgrade totaling \$15,000. He also said the City is looking to purchase a new Marine Patrol boat totaling \$46,000 and has requested funding from the NAV Board of \$23,000 for navigational purposes. In addition, he and Chief Houston have requested an increase in hours from 114 hours on the Lake to 240 hours.

e. Mr. Francis said he has been contacted by Cornerstone Charter Academy who is experiencing substantial roof leaks. He has initiated an inspection with a roofing company to evaluate the damage. He will be establishing a capital improvement plan for the school and will present at a later date.

f. Mr. Francis reported on the Cross Lake Beach encroachment issue and asked for guidance from Council on exploring a few options to correct the growing concern.

Attorney Carlos Payas with offices at 1018 East Robinson Street, Orlando, FL representing the McGinnis's asked for Comm Carugno to recuse himself based on obvious reasons and not participate in any fashion based on this issue. Attorney Callan said recusing is specific under Florida law and unless there is a peculiar interest, which it doesn't appear to be, there is no legal basis to require the recusal. Attorney Callan gave a brief

summary on the use of the Cross Lake public right of way and lake access and said this item should be a new business agenda item to be discussed further. Brief Council discussion ensued on vacating the road and eminent domain.

Comm Carugno stated for the record there are a several residents on Oak Island and Cross Lake who have shared their concerns.

Comm Mosse motioned to direct the City Manager and the City Attorney to meet with staff and reach out to the two residents and Comm Carugno and come back with some alternatives.

Comm Nielsen seconded, which was unanimously approved.

- g. Mr. Francis addressed the Nela Fountain project and said he would like to open the design of the fountain as a contest to the residents of Belle Isle. Comm Readey was in favor of having a contest. Council consensus was to move forward with the contest.
- h. Mr. Francis provided a copy of the current issues log for review.
- i. Comm Mosse said Council approved the draft Request For Proposal (RFP) for Attorney Services but did not direct the City Manager to post.

After Council discussion, Comm Mosse motioned to send out the Request For Proposal for Attorney services. Comm Readey seconded, which was unanimously approved.

CHIEF'S REPORT

- Chief Houston reported on the City stats and said residential burglaries are down -36%; however, vehicle burglaries and other are up +21%. In response, the Police Department will be stationing unmarked cars throughout the City.
- Marine Patrol officers are scheduled to be on the lake three days a week and have made a great impact. The Agency have began a few initiatives that will create overall safety on the Lake including purchasing 90 life vests in a variety of sizes through a Grant received from Target. In addition, Chief reported that one of the Marine Patrol boats is in need of some repair and the City is looking on available options.

MAYOR'S REPORT

- Mayor Pisano reported that Orange County has scheduled an announcement for a special needs play ground at 10am at Warren Park.
- Christmas in July at Cork & Fork from 5-9pm.
- Mayor Pisano gave an update on the FWC meeting. She reported that she met with the group and exchanged ideas on the duck hunting issue. FWC agreed to provide a newsletter to provide to all of the residents with content on responsibilities of hunters, residents and FWC.
- Mayor Pisano gave an update on the Legislative issues including Amendment 1, Water and Home Rule.
- Mayor Pisano gave an update on the School Supply Drive.

COUNCIL REPORT

Comm Ed Gold – District 1

- Comm Gold spoke on letter he received from John Evertsen for a forensic audit of the City as well as the Charter School for 36 months. Attorney Callan stated that the City is only compelled to provide a public record an under no obligation to do his request with the school. Discussion ensued and consensus was to place on the next agenda for consideration.
- Comm Gold reported that Comm Pete Clarke offered the City to participate in the new 311 Orange County Service app at no cost to the City. Council discussion ensued on the benefits of the program.
- Comm Gold addressed a redesign of the curb inlets throughout the City to mitigate damage in the future.

Comm Carugno – District 2

- Comm Carugno asked to reopen discussion on Resolution 17-15 now that Comm Lance has joined the meeting. City Manager Francis said the Resolution addresses the Trentwood Blvd traffic study. Comm Lance said he was not sure if Mattamy Homes performed a traffic study prior to development. Mr. Francis said he would contact Mattamy and request a copy if available. Council discussed the boundaries and the scope of work.

Comm Lance motioned to table the motion to allow the City Manager to obtain a traffic report from Mattamy Homes.

Comm Gold seconded, which was unanimously approved.

- Comm Carugno questioned the validity of the emails received by Mr. Sims on a property in Daetwyler Shores. Brief discussion ensued on the history of the property. City Manager Francis stated if this is a current P&Z case, Council should not have any discussion at this time.
- Comm Carugno reported that he received complaints on the landscaping of the right of way on Hoffner and Conway.
- Comm Carugno spoke on the Oak Island HOA and the wetlands. He asked if the City could assist with the clearing of the plants on the lake. Comm Lance suggested contacting EPD for clarification before removal.
- Comm Carugno asked for the City to review Wilks Street and asked if it can be considered in the evaluation of the parks discussion.
- Comm Carugno spoke on the open concerns on the mulch dumped on the right of way on Cross Lake. The mulch is washing down into the Lake and would like to make sure there is no issue.
- Comm Carugno reported on complaints received on police patrols at Venetian Park and other boat ramps and asked if the City can designate a specific officer to patrol on a regular basis.

Comm Weinsier – District 3 – no report.

Comm Lance – District 4

- Comm Lance spoke on the flooding on Seminole; north of Daetwyler, down to Seminole and into Mr. Hammond's garage. City Manager Francis said he would review the area.

Comm Mosse – District 6

- Comm Mosse addressed the parking by the Randolph boat ramp. Chief Houston stated that that section of the road does not belong to the City and encourages persons to call the Orange County Sheriffs office with any concerns,
- Comm Mosse spoke of the benefits of having AED instruments in all commercial buildings.
- He is working on a Bing Grant for Conway East to install security cameras.
- Comm Mosse requested renaming Delia Beach to Harv Readey Park in honor of his service to the City.

Comm Nielsen – District 7 – no report.

ADJOURNMENT

There being no further business, Mayor Pisano called for a motion to adjourn, unanimously approved at 9:00p.m.

Yolanda Quiceno
CMC-City Clerk



The Belle Isle City Council met in a City Council Budget Workshop Session on August 1, 2017 at 6:10 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Budget Workshop

Present:

- Mayor Pisano
- Vice Mayor Readey
- Commissioner Gold
- Commissioner Carugno
- Commissioner Weinsier
- Commissioner Mosse
- Commissioner Nielsen

Absent:

- Commissioner Lance

Also present: Attorney Tom Callan, City Manager Bob Francis, Chief Houston, Deputy Chief Grimm, Tracey Richardson, Finance and City Clerk Yolanda Quiceno. Meeting audio is available on the City’s website at www.cityofbelleislefl.org and at City Hall.

CALL TO ORDER

Mayor Pisano called the meeting to order at 6:00pm.

BUDGET PRESENTATION

City Manager Bob Francis presented the proposed budget for 2016-2017 and stated that he does not anticipate a millage rate increase this year. However, he said Council should look into how the City will be raising revenues and increase the tax base next year possibly through annexation. He spoke on the following highlights that will utilize some of the reserves and answered questions posed by the Council and Mayor;

001 - GENERAL FUND

REVENUES

- ✓ Millage to remain at 4.4018
- ✓ Add \$23,000 – NAV Board Marine Boat Contribution

EXPENDITURES

511 - LEGISLATIVE

- ✓ Auditing & Accounting (001-511-00-3200) - \$30,000 Increase for Forensic Audit
- ✓ Travel & Per Diem (001-511-00-4000) - \$3,500 Decrease

512 - EXECUTIVE MAYOR

- ✓ Travel & Per Diem (001-512-00-4000) - \$4,500 Decrease

513 – FINANCE AND ADMINISTRATION

Regular Salaries & Wages (001-513-00-1200)

- ✓ 4% Cost of Living Adjustment (COLA)
- ✓ Addition of PT Marketing/Social Media employee
- ✓ Retirement Contributions (001-513-00-2200) - Increase from 7% to 9.5%
- ✓ CIP – Equipment – Vehicles (001-513-00-6417) - \$25,000 to replace Code Enforcement Smart Car

519 – GENERAL GOVERNMENT

- ✓ Urban Forestry (001-519-00-6490) - Increase to \$20,000 for tree removal
- ✓ Neighborhood Grant Program (001-519-00-8310) - \$49,000
- ✓ CIP – Swann Beach Beautification (001-519-00-6340) - \$12,000

521 – POLICE

- ✓ Regular Salaries & Wages (001-521-00-1200) - 4% Cost of Living Adjustment (COLA)
- ✓ Retirement Contributions (001-521-00-2200) - Increase from 10% to 12.5%
- ✓ Move dispatch services from Communications (001-521-00-4100) to Dispatch Service (001-521-00-4110)
- ✓ CIP – Equipment – Radios (001-521-00-6410) - \$ 30,000 (6 radios @ \$5,000/ea)
- ✓ CIP – Equipment – Vehicles (001-521-00-6417) - \$ 68,180 (2 new vehicles @ \$33,750 plus final lease payment)
- ✓ CIP – Equipment – Vessels (001-521-00-6418) - \$ 50,000 (Purchase new marine boat)

541 – PUBLIC WORKS

- Regular Salaries & Wages (001-541-00-1200)
- ✓ 4% Cost of Living Adjustment (COLA)
- ✓ Addition of PW Technician
- ✓ Retirement Contributions (001-541-00-2200) - Increase from 7% to 9.5%
- ✓ Road Operating Supplies (001-541-00-5300) - Increase to \$ 12,500 to replace City signs
- ✓ CIP – Resurfacing & Curbing (001-541-00-6320) - \$ 250,000 General street repair
- ✓ CIP – LED Street Lighting Hoffner Ave (001-541-00-6360) - \$ 10,000
- ✓ CIP - Vehicles (001-541-00-6417) - \$ 35,000 Dump Truck
- ✓ CIP – Equipment (001-541-00-6430) - \$ 7,500 Wood Chipper

102 – TRANSPORTATION IMPACT FEE FUND

REVENUES - No Change

EXPENDITURES

- ✓ Engineering Fees (102-541-00-3120) - \$50,000 Increase for City-wide traffic analysis

103 – STORMWATER FUND

REVENUES

- ✓ Add \$ 75,000 – NAV Board Street Sweeper Contribution
- ✓ Add \$ 5,000 – NAV Board Aquatic Weed Control Contribution

EXPENDITURES

- ✓ Engineering Fees (103-541-00-3120) - Increase to \$40,000
- ✓ Repairs & Maintenance Stormwater (103-541-00-4600) - Decrease to \$125,000
- ✓ CIP – Capital Improvements (103-541-00-6300)
 - \$10,000 St. Partins Stormwater Project
 - \$10,000 Belle Vista Stormwater Project
 - \$180,000 Gene Polk Park Stormwater Project
 - \$38,000 Perkins Boat Ramp Project
 - \$117,550 Lake Conway Shores Stormwater Project
- ✓ CIP – Equipment - Vehicles (103-541-00-6417) - \$175,000 Street Sweeper

104 – LAW ENFORCEMENT EDUCATION FUND

REVENUES - No Change

EXPENDITURES - No Change

201 – CHARTER DEBT SERVICE FUND

REVENUES - Increase Revenue based on updated student count

EXPENDITURES

- ✓ Engineering Fees – Stormwater Mgmt (201-569-00-3120) - \$40,000 for turbidity issue on field
- ✓ Maintenance (201-569-00-4600) - Decrease \$25,000 (from \$100,000 to \$75,000)
- ✓ CIP – Charter Roof Repair/Replacement (201-569-00-6210) - \$170,000
- ✓ HVAC Replacement (201-569-00-6320) - \$150,000

Bob Francis reported that Duke Energy has proposed replacing all street lights in the City to LED lights at no cost to the City. The City currently has approximately 800 lights which will have a savings of \$9,600 a year. He will need Council approval to move forward with the agreement.

After the conclusion of the budget update, Mayor Pisano called for Board discussion.

Mayor Pisano asked if the City will be doing a roll back or just not a millage increase. Mr. Francis said just not a millage increase.

Comm Readey shared his concerns with decreasing the travel budget and the importance of Council members attending Florida League of City conferences.

There being no further discussion, City Manager Bob Francis asked if the Council feels the need to have additional budget workshops scheduled for August 8th and August 29th. Council consensus was to cancel the additional workshops. The following City Council regular session will be held on August 15th and the First Budget Hearing will be held in September.

There being no further business, Mayor Pisano called for a motion to adjourn the budget workshop with a ten minute break and reconvene with the City Council regular session, unanimously approved at 7:00p.m.

Yolanda Quiceno
CMC-City Clerk

City Council Regular Session

Present:

- Mayor Pisano
- Vice Mayor Readey
- Commissioner Gold
- Commissioner Carugno
- Commissioner Weinsier
- Commissioner Mosse
- Commissioner Nielsen

Absent:

- Commissioner Lance

Also present: Attorney Tom Callan, City Manager Bob Francis, Chief Houston, Deputy Chief Grimm and City Clerk Yolanda Quiceno. Meeting audio is available on the City’s website at www.cityofbelleislefl.org and at City Hall.

CALL TO ORDER

Mayor Pisano called the meeting to order at 7:10pm. Comm Gold gave the invocation and led the pledge to the flag.

CONSENT AGENDA

- a) Proclamation – 2018 Municipal Election for District 5 and 6
Comm Nielsen motioned to approve the consent item as presented.
Comm Gold seconded the motion, which was unanimously approved.

CITIZEN'S COMMENTS

Mayor Pisano opened for Citizen Comments.

- Sherryl Socie residing at 7410 Matchett Road shared her concerns with the new development on Orange Avenue. She is concerned of the flood water that will be pushed from the new development onto her property and wanted to ask if the City is working on making sure this is being addressed.

There being no further comment, Mayor Pisano closed the citizen comment section.

UNFINISHED BUSINESS

- a. **CORRECTED ORDINANCE 17-01 SECOND READING AND ADOPTION** - AN ORDINANCE BY THE CITY OF BELLE ISLE, FL AMENDING THE CITY OF BELLE ISLE CODE OF ORDINANCES TO REPEAL ORDINANCE 78-17 and ORDINANCE 15-04; TO ADOPT A NEW FLOOD DAMAGE PREVENTION ORDINANCE; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, TO ADOPT TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE, AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

Attorney Callan said this Ordinance is a requirement by the State of Florida. In the final draft of the Ordinance, a portion of the FBC amendment was duplicated in error in Section R322.2.2 of the Florida Building Code, Residential and the State asked for a correction to the scrivener's error. In the abundance of caution, he wanted to re-advertise the Ordinance to make sure that the correction to delete the repeat reference was handled correctly.

After discussion, Comm Nielsen motioned to approve Ordinance 17-01 as re-enactment on 8/1/2017. Comm Mosse seconded the motion, which was unanimously approved.

NEW BUSINESS

- a. **ORDINANCE 17-05 FIRST READING AND CONSIDERATION** - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING SURPLUS OF CITY PROPERTY; BY AMENDING ARTICLE V., DIVISION 2. SURPLUS OF CITY PROPERTY SECTION 2.24 – DISPOSAL WHEN VALUE \$100.00 TO \$5,000.00; PROVIDED FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND [PROVIDING FOR AN EFFECTIVE DATE.

City Manager Bob Francis said the ordinance will allow for the City Manager to dispose of surplus property including internet auction sales.

Comm Weinsier motioned to advance Ordinance 17-05 to second reading and adoption. Comm Gold seconded the motion, which was unanimously approved.

- b. ORDINANCE 17-06 FIRST READING AND CONSIDERATION - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING CHAPTER 10, "ENVIRONMENT", ARTICLE II "PUBLIC NUISANCE" OF THE CODE OF THE CITY OF BELLE ISLE BY THE ADDITIONS OF SECTIONS 10-37, "PROHIBITION": 10-38, EXEMPTIONS"; 10-39, "DELIVERY TO PRIVATE RESIDENCES AFTER NOTICE OF OBJECTION"; AND 10-40, "VARIANCES", ALL REGARDING THE PLACING OF PAPER, MERCHANDISE OR DISCARDED MATERIAL ON RESIDENTIAL LAWNS AND DRIVEWAYS, MOTOR VEHICLES OR ON PUBLIC STREETS AND SIDEWALKS.

City Manager Bob Francis said the ordinance will allow property owners to contact the publisher of any circulars to stop delivery to their home. If it is not done within a reasonable amount of time, the publisher can be cited for littering by the City.

Mayor Pisano asked how the City would know that a resident contacted the publisher. City Manager Francis said the resident will need to provide a receipt of the certified letter.

**Comm Weinsier motioned to advance Ordinance 17-06 to second reading and adoption.
Comm Mosse seconded the motion, which was unanimously approved.**

- c. Request For Proposal (RFP) for Forensic Audit

City Manager Bob Francis said, at the direction of Council, the proposal calls for review of a 5 -10 year audit depending on the cost. He asked Council to review section 3F that calls for an advisory committee who will make recommendations to the City Council. Discussion ensued on selection of the citizen advisory committee and other aspects of internal controls. Council consensus was to change the requirements of the advisory committee to not allow vendors, current and past city council members and city employees, spouses, children and Mayors.

**Comm Nielsen motioned to approve the RFP for a Forensic audit with the changes as discussed.
Comm Gold seconded the motion, which was unanimously approved.**

ATTORNEY REPORT

- Attorney Callan reported that the mediation request has been scheduled for August 29, 2017 on the Comins Development Request for Relief. If the mediation is not successful at that time the Special Magistrate will issue another hearing and issue his findings for Council approval. The mediation is to be held at City Hall Chambers at 9:00am-10:00am; presiding is Mr. Lewis Stone, Board Certified Local Government and Land Use Attorney. The mediation is not a public hearing however, commissioners are allowed to attend the hearing. He stated that it is required to have at least one Commissioner designated as a City representative and should be noticed on the next meeting agenda.
- Attorney Callan reported that he is working on some of the issues regarding the Cross Lake right-of-way. He will present, with the City Manager, some recommendations for Council review at the next Council meeting.

CITY MANAGER REPORT

Project Update

Bob Francis reported on the following updates,

- The construction issues reported on Hoffner and Conway have been resolved. The contractors are starting after 7am and the damage that was reported has been repaired. He further reported that at the Planning & Zoning meeting the third vacant parcel by the Wawa was presented and may be developed for a Crunch Fitness.
- The City continues to work towards finding a solution on the field drainage issue at the Cornerstone Academy.
- Gene Polk Park: Harris Engineering has submitted preliminary schematic ideas for review.
- Street paving: Middlesex has determined, due to bad weather, to push to a late September start date.
- 3101 Trentwood and Swann Beach projects have been completed.
- The City is looking to have the lights on the Nela Bridge programmed.

- Traffic Study: The City Manager and Comm Lance have met with the HOA on Trentwood/Daetwyler regarding solutions to fix the traffic calming. When the traffic study is completed he will meet with the HOA to discuss further.
- The City received two quotes for the fountain at Nela/Overlook estimated at \$51,000 and \$75,000 without the artwork. He asked if Council would consider using the BING grant to fund the fountain project. Council discussed artwork options and other grant opportunities. Comm Readey offered to write up a scope of work for the project.
- Mr. Francis said he is working on finalizing the boat ramp signs. He is waiting for a decision from the Court on the proper lake level closure.
- The application is being completed for the bird sanctuary per Florida Statutes.
- The social media policy has been adopted by Council and is now completed.
- He has started the Charter Review process and has sent the proposed changes to the City Attorney for review. He would like to have them formalized by September 30th.
- Mr. Francis spoke further on the proposed Duke Energy, no cost, LED lighting as presented at the Budget workshop and asked for Council approval to sign the agreement.
 - **Comm Weinsier motioned to approve the replacement of the high pressure sodium street lights with LED street lights as discussed.**
 - **Comm Mosse seconded the motion, which was unanimously approved.**

CHIEF'S REPORT

Chief Houston reported on the following,

- Boat Safety Class scheduled for August 5, 2017 between 9:00am-11:00am.
- August 14th is the first day of school.
- Chief Houston distributed pamphlets received by Orange County for People with Special Needs and Hurricane Emergency Preparedness.
- The Agency has received many complaints on the trucks on Hoffner. She has sent a request to FDOT to check the visibility of their signage.

MAYOR'S REPORT

- Mayor Pisano introduced the new Football Coach Jim Pusateri from the Cornerstone Charter Academy. Mr. Pusateri thanked Council for the opportunity to speak. He said he is very community oriented and is looking forward to working with the City.
- Mayor Pisano said she has been asked to appear on Front Porch Chat on August 2nd.
- Mayor Pisano thanked Officer Garcia and Officer Cornwell on the CPR course this past Saturday and recommends that all residents attend these classes when available.
- Mayor Pisano said they are looking to schedule a Veteran's Day event and will have more information at a later date.

COUNCIL REPORTS

Comm Gold –District 1

- Comm Gold asked if the City can help residents with clearing bad weeds in the lake. Mr. Francis said the City does not provide that service.
- Comm Gold said he received some feedback from a resident to place power poles underground. He asked the City Manager if he would be able to ask Duke Energy for cost estimates to provide to the resident. Discussion ensued on various options.
- Comm Gold said he spoke to Judge McGinnis and asked if the City can vacate or sell the right of way to Belle Isle residents only. Attorney Callan cautioned Council from discussion until he and the City Manager have time to review.

Comm Carugno – District 2

- Comm Carugno said since the previous meeting the Cross Lake property has been looking better and has been cleaned up. He asked if the City can look at the debris from the trees and bring forward a recommendation to stop the debris from going into the lake.
- Comm Carugno said, due to all the rain, he has received complaints regarding the sidewalk on Hoffner by Peninsular Drive. The street is higher than the sidewalk and is creating a flood issue.
- Comm Carugno addressed the fencing on Wallace. Mr. Francis said he has a contractor looking at the area to provide a bid for the Wallace and Matchett land and the Wallace right of way between the Maloon's and the Altice's property down to the lake.
- Comm Carugno asked for an update on the Pershing and Pine Castle Elementary move. He further asked if there was a possibility for the City to purchase the Pine Castle Elementary school. Brief discussion ensued.

Comm Readey – District 5

- Comm Readey shared his concern on the budget decrease for Council travel. He believes it is important for Commissioners to attend conferences and know what is going on in our government.

Comm Weinsier – District 3

- Comm Weinsier spoke in favor of the proposed LED lighting and shared a brief summary on LED lighting and how it differs from other light sources.

Comm Lance – District 4 – not in attendance.

Comm Mosse – no report.

Comm Nielsen – District 7

- Comm Nielsen spoke briefly on annexation options and asked to have an agenda item to discuss annexation at the next Council agenda.
- Comm Nielsen shared her concerns with the relationship with the Cornerstone Charter Academy School Board. She said many parents have an issue with the School Board because they do not seem to have open meetings, they don't make their public records readily available and they don't behave like they are a government board. She would like to have the City Attorney to research if they are required to have an open budget hearing.

There being no further business, Mayor Pisano called for a motion to adjourn, unanimously approved at 8:45p.m.

Yolanda Quiceno
CMC-City Clerk

1 **ORDINANCE 17-05**

2 AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BELLE ISLE CODE OF
3 ORDINANCES CONCERNING SURPLUS OF CITY PROPERTY; BY AMENDING ARTICLE V., DIVISION
4 2. SURPLUS OF CITY PROPERTY SECTION 2.24 - DISPOSAL WHEN VALUE \$100.00 TO
5 \$5,000.00; PROVIDED FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND [PROVIDING FOR
6 AN EFFECTIVE DATE.

7
8 **WHEREAS, the City of Belle Isle’s surplus city property code (Sections 2.221-226) contains provisions**
9 **governing the disposition of personal property and specifies that only the City Manager may declare personal**
10 **property surplus and the methods of disposing of surplus personal property;**

11 **WHEREAS, Section 2.224 does not allow the sale of surplus personal property to be conducted**
12 **electronically, such as at an internet auction (eBay, Craig’s list, etc.);**

13 **WHEREAS, Section 2.224 requires three bids or public auctions of personal property;**

14 **WHEREAS, internet auctions are also a way to dispose surplus property;**

15 **WHEREAS, because internet auctions do not occur on a specific date and time, the advertisement**
16 **requirement of 2.224 is not practical for internet auctions;**

17 **WHEREAS, a separate advertisement requirement should, therefore, apply to internet auctions;**

18 **WHEREAS, the public welfare requires that this ordinance goes into effect immediately.**

19
20 **NOW, THEREFORE, THE CITY OF BELLE ISLE ORDAINS AS FOLLOWS:**

21
22 **SECTION I. ARTICLE V. DIVISION 2. Surplus Property – Section 2-224; Disposal when value \$100.00 to**
23 **\$5,000.00 of the Belle Isle Municipal Code is amended to read as follows:**
24
25

1 If the estimated value of property determined by the council to be surplus is greater than \$100.00 but
2 less than \$5,000.00, the city manager shall dispose of such property by:

3 (1) Soliciting three bids for the property; or

4 (2) Public auction, after publication of notice not less than one week or more than two weeks
5 prior to the sale in a newspaper having general circulation or, for an auction conducted
6 electronically on the world-wide web, within 3 days of the date the personal property is
7 delivered to the entity conducting the auction. The published notice shall specify the time,
8 place and terms upon which the personal property shall be offered and a general description
9 of the personal property to be sold; for auctions conducted electronically on the world-wide
10 web, the published notice shall include a general description of the personal property to be
11 auctioned and the world wide web address of the auction location;

12
13 **SECTION II: Severability:** If any word, phrase, sentence, clause or other portion of this Ordinance is determined
14 to be invalid, void, or unconstitutional, the remainder of the Ordinance shall remain in effect.

15
16 **SECTION III: Effective Date:** This Ordinance shall become effective upon adoption.

17 First Reading held this 1st day of August, 2017

18 Second Reading held this 15th day of August, 2017

19 Advertised for Second Reading on the 5th day of August, 2017.
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YES NO ABSENT

Ed Gold	_____	_____	_____
Anthony Carugno	_____	_____	_____
Jeremy Weinsier	_____	_____	_____
Bobby Lance	_____	_____	_____
Harvey Readey	_____	_____	_____
Lenny Mosse	_____	_____	_____
Sue Nielsen	_____	_____	_____

LYDIA PISANO, MAYOR

ATTEST: _____
Yolanda Quiceno, CMC-City Clerk

Approved as to form and legality City Attorney

STATE OF FLORIDA
COUNTY OF ORANGE

I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document
ORDINANCE 17-05 was duly and legally passed by the Belle Isle City Council, in session assembled on the
_____ day of _____, 2017, at which session a quorum of its members were present.

Yolanda Quiceno, CMC-City Clerk

1 **SECTION ONE:** Chapter 43, "Miscellaneous Offenses", of the Code of the City of Belle Isle, and the same is
2 hereby amended by the addition of Sections 43.66 through 43.69 to read as follows:

3 **Sec. 10-37. Prohibitions.**

- 4 1) It shall be unlawful for any person to cast, throw, scatter, distribute, discard or otherwise place on
5 private residential lawns or driveways without the consent of the owner or occupant of said property
6 any written papers, circulars, handbills, newspapers, magazines, memos, flyers, handouts,
7 newspapers, ads, promotions, coupons and other commercial advertisements.
- 8 2) It is unlawful for any person to cast, throw, scatter, distribute, discard or otherwise place on any public
9 streets or sidewalks, or on motor vehicles located on public or private property or on any parking lot
10 open to the use of the public any written papers, circulars, handbills, newspapers, magazines, memos,
11 flyers, handouts, newspapers, ads, promotions, coupons and other commercial advertisements, in any
12 manner, other than by the delivery in person to a person who is immediately present and accepts the
13 same or has given his express consent to the receipt thereof.

14 **Sec. 10-38. Exemptions.**

15 The provisions of this Chapter shall not apply to:

- 16 1) the regular delivery of newspapers or magazines which have been subscribed to by the persons
17 receiving them or by occupants of the residence to which they are delivered or by the distribution of
18 mail by the United States Government or by the service of any lien foreclosure, governmental notices
19 of process; or,
- 20 2) Civic or religious organizations who operate and are registered with the State of Florida and the
21 federal government as a not-for-profit organization and whom are located and have a place of
22 business within the city limits of Belle Isle prior to the distribution.
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1 Section 10-39. Delivery to private residence after notice of objection.

2 It is separately and additionally unlawful for any person to continue to cast, throw, scatter, distribute,
3 discard or otherwise place written papers, circulars, handbills, newspapers, magazines, memos, flyers,
4 handouts, newspapers, ads, promotions, coupons and other commercial advertisements in any manner on
5 private residential property, after receiving notification by the owner or occupant of a private residence that
6 said owner or occupant does not wish to receive the item being distributed to said residence.

7
8 Section 10-40. Variances.

9 The Council may, by written resolution, grant variances from the provisions of this Chapter to permit
10 the distribution of papers or merchandise as otherwise prohibited, upon such terms and conditions as City
11 Council may impose, after due consideration of the following:

- 12 1) The nature, scope, purpose, method, and time of distribution.
- 13 2) The extent of the distribution, both as to time required therefore and area to be covered.
- 14 3) The identity of the person or persons who will be responsible for the conduct of the distribution.
- 15 4) The date or dates on or between which the distribution is to be accomplished.
- 16 5) The approximate number of individuals who will be engaged in the distribution.
- 17 6) The provision for removal, by the individual or organization proposing the distribution, of items
18 not removed by the property owner within a reasonable period of time following the distribution.
- 19 7) The likelihood, or lack thereof, of the distribution constituting a real and present danger to the
20 public health, welfare and safety.

1 Sec. 10-41. - Enforcement/penalty.

- 2 1) It shall be unlawful for any person to violate any provisions of this article, or any provisions of any
3 resolution enacted pursuant to this article. Any person who violates this chapter, or any provisions
4 of any resolution enacted pursuant to the authority of this article, may be prosecuted in
5 accordance with chapter 14, article II of this Code.
- 6 2) If any code enforcement officer or police officer determines that activities regulated under this
7 article have occurred without the issuance of the appropriate variance, or not in accordance with
8 these regulations, the officer shall promptly issue a written notice of violation. The notice of
9 violation shall include a description of the site where the violation has occurred, cite the
10 provisions of this article and other applicable laws that have been violated, and set forth the
11 required remedial action or actions to be taken as deemed reasonable and necessary by the city.
12 Such remedial action may include:
- 13 a. Modification of the structure or business causing the violation in order to comply with
 - 14 applicable local, state or federal laws or regulations;
 - 15 b. Any other actions consistent with the intent of these regulations or other applicable laws in
 - 16 order to ameliorate the adverse impacts of the violation; and
 - 17 c. Administrative and civil penalties.
- 18 3) Any person violating this article shall be liable for all costs incurred by the city in connection with
19 enforcing this article or any provisions of any resolution enacted pursuant to this article, including,
20 without limitation, attorneys' fees and investigative and court costs.
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1 **SECTION TWO: Severability:** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is
2 for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be
3 deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the
4 remaining portion hereto.

5
6 **SECTION THREE: Effective Date:** This Ordinance shall take effect upon its passage and as provided by law.

7 First Reading held this 1st day of August, 2017

8 Second Reading held this 15th day of August, 2017

9 Advertised for Second Reading on the 5th day of August, 2017.

	YES	NO	ABSENT
12 Ed Gold	_____	_____	_____
13 Anthony Carugno	_____	_____	_____
14 Jeremy Weinsier	_____	_____	_____
15 Bobby Lance	_____	_____	_____
16 Harvey Readey	_____	_____	_____
17 Lenny Mosse	_____	_____	_____
18 Sue Nielsen	_____	_____	_____

19
20 _____
21 LYDIA PISANO, MAYOR

22 ATTEST: _____

23 Yolanda Quiceno, CMC-City Clerk

24 _____
25 Approved as to form and legality City Attorney

1 STATE OF FLORIDA

2 COUNTY OF ORANGE

3 I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document
4 ORDINANCE 17-06 was duly and legally passed by the Belle Isle City Council, in session assembled on the
5 _____ day of _____, 2017, at which session a quorum of its members were present.

6 _____

7 Yolanda Quiceno, CMC-City Clerk

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

Meeting Date: August 15, 2017

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Automatic External Defibrillator (AED) Ordinance 17-08

Background: The City Manager is requesting the Council review the draft of Ordinance 17-08. Although Council did not direct this ordinance be written, it should be strongly considered, especially for public places and places of business that meet the criteria established by the ordinance. The purpose of an AED is to allow any individual to convert a life threatening arrhythmia to a stable rhythm that allows for the arrival of pre-hospital EMS and subsequent transport to an emergency room at the nearest hospital. The AEDs are designed for safe and single use by the first person at the scene of a sudden cardiac arrest. An internal computer analyzes the heart rhythm and guides the user step by step with voice prompts. The BIPD currently teaches AED Classes. Throughout the State and the Country, there are many programs in place for AED placement that are public, public/private, or private sector driven.

Staff Recommendation: Review the draft ordinance; make any necessary changes, then send it to the P&Z Board for review and comment.

Suggested Motion: I move that we refer ordinance 17-08 (as amended, if necessary) to the P&Z Board for their review and comment at their September meeting

Alternatives: Do not move the ordinance forward

Fiscal Impact: Depending on the model, \$1,200-\$1,900 per unit, however, grant funding is usually available for AEDs or special pricing.

Attachments: Draft Ordinance 17-08

ORDINANCE 17-08

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, CREATING A DEFINITION FOR "AUTOMATED EXTERNAL DEFIBRILLATORS"; CREATING CHAPTER ENTITLED "AUTOMATED EXTERNAL DEFIBRILLATORS" TO REQUIRE AUTOMATED EXTERNAL DEFIBRILLATORS AT CERTAIN BUILDINGS; PROVIDING FOR THE INSTALLATION AND OPERATION REQUIREMENTS TO MAINTAINING AN AUTOMATED EXTERNAL DEFIBRILLATOR; PROVIDING FOR FEES, PENALTIES AND APPLICABILITY; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Belle Isle's existing Code for regulating the health, safety, and general welfare of its citizens does not recognize that there are devices that may be desirable to provide emergency medical treatment to City residents at certain buildings;

WHEREAS, the Commission of the City of Belle Isle finds that it is in the best interest of the citizens of Belle Isle to require the use of Automated External Defibrillators in certain buildings within the city;

WHEREAS, the Commission of the City of Belle Isle wishes to provide procedures and requirements for the installation and operation of Automated External Defibrillators in order to promote public health, safety, and general welfare;

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

SECTION 1: The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section _____. DEFINITION.

A defibrillator device that 1) is commercially distributed in accordance with the Federal Food, Drug, and Cosmetic Act, 2) is capable of recognizing the presence or absence of ventricular fibrillation, and is capable of determining without intervention by the user of the device whether defibrillation should be performed, and 3) upon determining that defibrillation should be performed, is able to deliver an electrical shock to an individual.

Section _____. AUTOMATIC EXTERNAL DEFIBRILLATOR DEVICES REQUIRED.

Automated external defibrillator devices shall be installed in the following buildings located within the geographical boundaries of the City:

- (A) Places of public assembly as defined in the Florida Building Code;
- (B) Office Buildings in excess of 20,000 square feet;
- (C) Gymnasium, fitness centers and indoor recreational centers in excess of 1,500 square feet;
- (D) Restaurants with 100 or more seats including indoor, outdoor and bar;
- (E) Commercial and retail spaces in excess of 36,000 square feet; and
- (F) All hotels and motels.

Section _____. INSTALLATION AND OPERATION.

- (A) The City, or the City's designated representative (for example, Orange County Fire Department) shall inspect all automated external defibrillator devices for operation prior to being placed in service or available for use, and on an annual basis.
- (B) Automated external defibrillator devices shall be:

- a. Conspicuously located in plain view of the primary public entrance, with unobstructed access;
 - b. Housed in a cabinet with a clear window in the door, an audible alarm signaling the opening of the door, permanently affixed to a wall, and whose top is no more than 48 inches above the floor;
 - c. Located below a sign having a minimum area of 70 square inches and containing the letters "AED" and the universally recognizable "AED" symbol, which shall be placed no more than 60 inches, on center, above the floor;
 - d. Readily accessible and immediately available when needed for on-site employees and the general public, including disabled persons; and
 - e. Placed near the elevator(s) in the first floor lobby, if the building contains an elevator.
- (C) Automated external defibrillator devices shall contain adult and pediatric pads and bandage scissors.
- (D) All automated external defibrillator devices shall be used in accordance with manufacturer's guidelines.
- (E) It shall be the responsibility of the owner of the building to:
- a. Install automated external defibrillator devices;
 - b. Provide all necessary training for appropriate use; and
 - c. Maintain automated external defibrillator devices in accordance with manufacturer's recommended maintenance requirements and as required herein.
- (F) If an automated external defibrillator device is removed for repair, a replacement shall be provided by the building owner.

Section _____. FEES

Fees for automated external defibrillator device permits and inspections shall be set by resolution.

Section _____. APPLICABILITY.

The owner of an existing building required to have an automated external defibrillator device shall comply with this chapter within 180 days of the effective date of this chapter. After the effective date of this chapter, the owner of any new building constructed that is required to have an automated external defibrillator device shall comply with this chapter.

Section _____. INSTALLATION AND OPERATION.

- (A) The City shall inspect all Automated External Defibrillator devices for operation prior to being placed in service or available for use, and on an annual basis.
- (B) Automated External Defibrillator devices shall be:
- a. Conspicuously located in plain view of the primary public entrance, with unobstructed access;
 - b. Housed in a cabinet with a clear window in the door, an audible alarm signaling the opening of the door, permanently affixed to a wall, and whose top is no more than forty-eight (48) inches above the floor;
 - c. Located below a sign having a minimum area of 70 square inches and containing the letters "AED" and the universally recognizable "AED" symbol, which shall be placed no more than sixty (60) inches, on center, above the floor;
 - d. Readily accessible and immediately available when needed for on-site employees and the general public, including disabled persons; and
 - e. Placed near the elevator(s) in the first (1st) floor lobby, if the building contains an elevator.
- (C) Automated external defibrillator devices shall contain adult and pediatric pads and bandage scissors.
- (D) All automated external defibrillator devices shall be used in accordance with manufacturer's guidelines.

- (E) It shall be the responsibility of the owner of the building to:
 - a. Install automated external defibrillator devices;
 - b. Provide all necessary training for appropriate use; and
 - c. Maintaining automated external defibrillator devices in accordance with manufacturer's recommended maintenance requirements and as required herein.
- (F) If an automated external defibrillator device is removed for repair, a replacement shall be provided.

Section _____. FEES.

Fees for automated external defibrillator device permits and inspections shall be set by resolution.

Section _____. Penalties.

It shall constitute a violation of the City Code, punishable by a fine no greater than Five Hundred Dollars and 00/100 (\$500.00) and/or other Court action including criminal charges, to intentionally or willfully:

- (A) Render an Automated External Defibrillator device inoperable except during such time as the Automated External Defibrillator device is being serviced, tested, repaired, or recharged, except pursuant to court order;
- (B) Obliterate the serial number on an Automated External Defibrillator device for purposes of falsifying service records;
- (C) Improperly service, recharge, repair, test, or inspect an Automated External Defibrillator device;
- (D) Use the inspection certificate of another person;
- (E) Hold an inspection certificate and allow another person to use said inspection certificate number.

SECTION 2. SEVERABILITY.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court or competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 3. REPEALER.

All ordinance or parts or ordinances in conflict herewith, be and the same, are hereby repealed.

SECTION 4. CODIFICATION.

It is the intention of the Commission of the City of Belle Isle, Florida, that the provisions of this ordinance shall become and be made a part of the City of Belle Isle Code of Ordinances; and that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. EFFECTIVE DATE.

This ordinance shall become effective thirty days from the date of its adoption by the City Commission.



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

Meeting Date: August 15, 2017

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Bird Sanctuary Ordinance

Background: The Council directed that the City Manager complete the appropriate documents in order for the city to apply to the Fish and Wildlife Commission to become a bird sanctuary. Under Florida Administrative Law 68a-19.002, there are certain requirements in order for the FWC to consider this request. The City's current code does not include these criteria and therefore a new ordinance needs to be adopted. Additionally, last year, SB130, was signed in to law. It pertains to the discharge of firearms on public or residential property. Although hunters do not hunt from the shore, the lake could be considered public property. The City Manager is also seeking support of a bird sanctuary from the Orange County Audubon Society and Cornerstone Charter Academy.

Staff Recommendation: Seek City Attorney opinion on SB130 and air rights. Also review the draft ordinance, make any necessary changes, then direct the staff to advertise for the first reading.

Suggested Motion: I move that we advertise ordinance 17-07 (as amended, if necessary) for a first reading on September 5, 2017

Alternatives: Do not move the ordinance forward

Fiscal Impact: TBD (signage)

Attachments: FL 68a-19.002, BIMC Sec. 4-1, Draft Ordinance 17-07, SB130

68A-19.002 Establishment of Restricted Hunting Areas, and Bird Sanctuaries, Procedure.

(1) The Commission may establish bird sanctuaries for the protection of all birds and other wildlife and restricted hunting areas within any developed area upon the written request of the local governmental body having jurisdiction over such areas. In requesting establishment of such restricted hunting areas or bird sanctuaries, the governing body shall, by proper resolution or ordinance, officially agree to assume the responsibility for enforcement of regulations of the Commission which apply to such areas, including posting the area boundary with signs bearing the words "RESTRICTED HUNTING AREA, Hunting by Special Permit Only" or "BIRD SANCTUARY, No Hunting" established by Rule 68A-19.002, F.A.C., which shall be placed at intervals of no more than 500 feet, be easily visible from any point of ingress or egress and provide other necessary notice of such area to the public. Said governing body shall agree to instruct its duly authorized law enforcement personnel to enforce said regulations within the area.

(2) Following receipt of the request of the governing body the Commission shall, through its staff, investigate to ensure that the tract under consideration is sufficiently developed as to preclude recreational hunting in the interest of safety and that its closure will not result in a denial of reasonable and lawful hunting opportunity.

(3) Action by the Commission for the establishment of restricted hunting areas or bird sanctuaries as recommended by its staff shall be taken at its July and January meetings.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 6-21-82, Formerly 39-19.02, Amended 5-10-87, 11-23-97, Formerly 39-19.002.

68A-19.004 Regulations in Bird Sanctuaries.

No person shall take any wildlife in any bird sanctuary using a gun unless such taking is authorized by specific rule relating to such sanctuary.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 120.53 FS. History--New 8-1-79, Formerly 39-19.04, Amended 4-14-92, 9-7-97, 11-23-97, Formerly 39-19.004.

Sec. 4-1. - Bird sanctuary.

(a)

City designated. The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary.

(b)

Signs. The city council may from time to time, as it deems necessary, provide for the erection of signs within the city proclaiming, "This Community Is a Bird Sanctuary."

(c)

Acts prohibited. No person shall hunt, kill, maim, trap or attempt in any manner to molest any birds or wild fowl, or to rob or otherwise molest the nest of any bird within the city.

(d)

Exceptions. The sanctuary established by this section shall not include protection of (Columbia livia) feral pigeon populations or other invasive and/or non-native species such as Starlings, House Wrens, which are not protected by state or federal law and which may threaten native bird species.

(Code 1980, § 7-2; Code 1991, § 8-2; Ord. No. 98-5, 11-17-1998)

ORDINANCE 17-07

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA. DESIGNATING THE CITY OF BELLE ISLE AS A BIRD SANCTUARY: SPECIFYING UNLAWFUL ACTS: AMENDING CHAPTER 4, SECTION 4-1 OF THE BELLE ISLE MUNICIPAL CODE PROVIDING FOR PRESERVATION OF WETLANDS AND THE CONWAY CHAIN OF LAKES WITHIN THE CITY; ESTABLISHING RESPONSIBILITIES OF CERTAIN CITY DEPARTMENTS; PROHIBITIVE ACTIVITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Belle Isle is an environmentally concerned city, sensitive and dedicated to the preservation of birds and wildlife; and

WHEREAS, habitat destruction is the greatest threat to birds and wildlife, and the City of Belle Isle is dedicated and committed to the protection of such habitat wherever reasonably possible; and

WHEREAS, the Orange County Audubon Society recognizes and accredits the City of Belle Isle's efforts to preserve and enhance bird and wildlife sanctuary programs, and the Society is prepared to assist in making the program successful; and

WHEREAS, the Cornerstone Charter Academy School believes that the key to understanding environmental concerns is education. Cornerstone Charter Academy commits to providing learning experiences for students to enhance their awareness of the environment and the role played by birds and wildlife in that environment.

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

SECTION 1. That all the land and airway area embraced within the city limits of Belle Isle, Florida is hereby declared to be and shall hereafter be designated as a "Bird Sanctuary".

SECTION 2. That all City owned property shall be managed in such a manner as to promote both human enjoyment and the development of bird and wildlife habitat.

SECTION 3. That wherever possible the City will leave the environment in its natural state. The City, through its Public Works Department, will attempt to mitigate the effect of development of roads, parking facilities, utilities and other necessary improvements through seasonal plantings and feeding stations. Enhancement programs, such as bird houses for birds and private preserves will be encouraged. The City will also provide relief from drought stress. The City Public Works Department and private property owners will post the area boundary with signs bearing the words "RESTRICTED HUNTING AREA, Hunting by Special Permit Only" or "BIRD SANCTUARY, No Hunting" established by Rule 68A-19.002, F.A.C., which shall be placed at intervals of no more than 500 feet,

be easily visible from any point of ingress or egress and provide other necessary notice of such area to the public. In addition, the City may protect "wetlands" as they exist in the City. Wetlands which are prime habitat of birds and other wildlife, may not be drained, filled, or destroyed in such a manner as to render them unacceptable to birds and wildlife as temporary or permanent habitat.

The Belle Isle Police Department, including the Marine Patrol, shall be responsible for enforcement of regulations of the Florida Fish and Wildlife Conservation Commission and this ordinance.

SECTION 4. That it shall be unlawful to trap, hunt, shoot, or attempt to shoot or molest in any manner any bird or wild fowl, or to rob bird nests or wild fowl nests within the City. No person shall take any wildlife in any bird sanctuary using a gun unless such taking is authorized by specific rule relating to such sanctuary. Provided; the sanctuary established by this section shall not include protection of (*Columba livia*) feral pigeon populations or other invasive and/or non-native species such as Starlings, House Wrens, which are not protected by state or federal law and which may threaten native bird species. In the event that other invasive and/or non-native species are found congregating in numbers in a particular locality within the city limits, as to constitute a public nuisance or menace to the public health or to private or public property, then in that event or any of them, the congregated birds or wild fowl may be destroyed as is deemed advisable by and under the supervision and control of the Police Department of the city.

SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Misdemeanor of the First Degree and upon conviction in the District Court shall be punished by a fine not to exceed One Thousand (\$1,000.00) Dollars for each offense.

SECTION 7. That the present ordinances of the City of Belle Isle are inadequate to properly protect birds, wildlife and their habitat within the City of Belle Isle, creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Belle Isle, Florida, on the ____ day of _____, 2017.

CHAPTER 2016-12

Committee Substitute for
Committee Substitute for Senate Bill No. 130

An act relating to discharging a firearm; amending s. 790.15, F.S.; prohibiting the recreational discharge of a firearm in certain residential areas; providing criminal penalties; providing exceptions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (4) is added to section 790.15, Florida Statutes, to read:

790.15 Discharging firearm in public or on residential property.—

(4) Any person who recreationally discharges a firearm outdoors, including target shooting, in an area that the person knows or reasonably should know is primarily residential in nature and that has a residential density of one or more dwelling units per acre, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. This subsection does not apply:

(a) To a person lawfully defending life or property or performing official duties requiring the discharge of a firearm;

(b) If, under the circumstances, the discharge does not pose a reasonably foreseeable risk to life, safety, or property; or

(c) To a person who accidentally discharges a firearm.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor February 24, 2016.

Filed in Office Secretary of State February 24, 2016.



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

Meeting Date: August 15, 2017

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

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

Background: CCA has requested use of the Wallace Field for athletic activities, specifically for football practice. Currently, CCA practices on their game field. This causes maintenance issues for CCA because the game field has to be repaired prior to a game. CCA has also offered to “grade” the Wallace field at their expense if the City will allow the use.

The City Manager would support the CCA request if CCA entered in to an agreement with the City. The agreement would be drafted similar to the attached agreement (Hood River, Oregon). As part of the agreement, CCA would have to provide certain items such as an engineered site plan for the field as approved by the City, a maintenance commitment for year round, priority of use by the City, and indemnification, as well as other conditions that are outlined in the attached agreement.

Staff Recommendation: Direct the City Manager and City Attorney draft an agreement for review by Council and CCA.

Suggested Motion: I move that we direct the City Manager and City Attorney to draft an agreement to allow Cornerstone Charter Academy to use the Wallace Field.

Alternatives: Do not direct the drafting of an agreement and deny the request of CCA, or allow CCA to use the field without an agreement.

Fiscal Impact: None to the City. CCA has offered (prior to this meeting) to make improvements to the field at their expense.

Attachments: Copy of sample agreement

**INTERGOVERNMENTAL AGREEMENT BETWEEN
HOOD RIVER VALLEY PARKS & RECREATION DISTRICT
AND CITY OF HOOD RIVER
FOR THE PURPOSE OF
PROVIDING AND MAINTAINING A DISC GOLF COURSE**

THIS AGREEMENT, made this 14th of MARCH, 2005, by and between the Hood River Valley Parks & Recreation District (hereinafter the "District") and the City of Hood River (hereinafter the "City").

RECITALS

1. ORS Chapter 190 authorizes governmental entities such as cities and special districts to enter into written agreements for the performance of any or all functions and activities that either party, its officers or agents, has the authority to perform on its own. The agreement may provide that the entities cooperate in the construction, improvement, operation and maintenance of facilities.

2. Pursuant to ORS Chapter 266, Oregon parks and recreation districts are empowered to construct, reconstruct, alter, enlarge, operate and maintain parks, recreation grounds and buildings as, in the judgment of the district board, are necessary and proper.

3. The City owns real property commonly known as Morrison Park ("Park") that is zoned Open Space/Public Facility and that is currently not being put to any beneficial use.

4. The District desires to improve the Park for public park purposes and, more specifically, for the purpose of installing and maintaining a Disc Golf Course.

5. The City has agreed to allow the District to use the Park for a Disc Golf Course until such time as the City determines that the Park property should be used for other purposes on the terms and conditions set forth below.

AGREEMENT:

In consideration of the mutual covenants of the District and City, each to the other giving, the District and City do hereby agree as follows:

Section 1. Disc Golf Construction, Maintenance and Repair. The City grants the District the exclusive right and privilege to install and operate a Disc Golf Course in the Park, and all associated rights to use the Park for that purpose. The District is responsible for all costs associated with the construction, maintenance, upkeep and repair of the Disc Golf Course.

a. The District shall maintain the appearance and general condition of the Disc Golf Course to the satisfaction of the City.

b. The District shall repair or replace broken, vandalized, dangerous or otherwise unusable equipment as soon as possible.

c. The Disc Golf Course is subject to review and approval under Hood River Municipal Code Section 17.03.080 as a permitted use subject to site plan review. Approval of this Agreement does not constitute approval of the intended use.

d. The District anticipates that it will not need the entire Park for the Disc Golf Course and, therefore, it will not be required to improve those portions of the Park not used for the Disc Golf Course. However, the District will be required to maintain those portions of the Park located south of I-84 and not used for Disc Golf Course in a clean and safe condition, including by not allowing trash to accumulate.

Section 2. Advertising. The District may procure and install, affix, maintain and replace appropriate signs displaying advertising matter on the elevated baskets, concrete tee pads, tee/rule signs, or lost disc receptacles.

a. All advertising is subject to the City's approval, both under the HRMC and as to whether the City considers the subject matter of the advertisements appropriate for public property.

b. In the use of advertising, the District may not violate any person's right to privacy or infringe upon any person's trademarks, trade names, copyrights or other proprietary rights. The City's approval of the advertising is not a waiver of those duties and the District shall indemnify and hold the City harmless with respect to all claims arising out of a breach of those duties.

c. All advertising placed by the District on the Disc Golf equipment is owned by the District and remains the property of the District, and is subject to removal by the District at any time.

Section 3. Operation.

a. Hours and Fees. The District shall operate the Disc Golf Course as a public park for use by the public at no charge and during the District's regular park hours. The District may close the Disc Golf Course to the public for maintenance (by the City or District), for an emergency, or when the Disc Golf Course is reserved by a private group for exclusive use.

b. Parking and Traffic. The parties anticipate that the Disc Golf Course will bring additional vehicular traffic to the area. Consequently, the District shall contact all residents within 250 feet of the Disc Golf Course prior to its opening to discuss any questions or concerns the residents may have. In addition, the District shall make staff available to answer questions and comments that the Disc Golf Course's neighbors may have concerning the operation and maintenance of the Course both before and after it opens. The parties agree that the City may, under this Agreement, impose reasonable parking and traffic restrictions and requirements to address any parking and/or traffic issues that may arise during the term of this Agreement.

Section 4. Compliance with Laws. District shall be responsible for compliance with all federal, state and local laws, orders and regulations in connection with its operation of the Disc Golf Course.

Section 5. Insurance. The District shall maintain liability insurance for the Park commensurate with the activities conducted there and covering, at a minimum, the parties' liability under state law. The City does not waive any immunity or limitation of liability available to it pursuant to state or federal law, and reserves the right to assert any such immunity and/or limitation.

Section 6. Indemnification. The District and City agree that they will each indemnify and hold the other harmless from any and all loss, claim or liability arising from, or related to, the acts or omissions of the parties, their employees and/or agents in connection with the construction, operation and maintenance of the Park.

Section 7. Term.

a. The term of this Agreement shall be ten (10) years; provided, however, that the City may terminate this Agreement prior to its expiration with ninety prior written notice when the City determines that it is necessary and convenient to sell the Park. The written notice shall specify the termination date of this Agreement, which date must be no less than ninety (90) days after the date of the notice. This Agreement may otherwise be terminated upon the mutual agreement of the governing bodies of both the District and the City, or, without such agreement, in the event of a material breach of the terms and conditions of this Agreement by one of the parties. A material breach is considered to have occurred if, after receipt of written notice from the non-breaching party, the breaching party fails to cure the breach, or take reasonable steps to cure the breach, within thirty (30) days after the date of the written notice.

b. This Agreement shall automatically renew for additional ten (10) year periods unless either party delivers written notice to the other party of its intent not to renew no less than ninety (90) days prior to the expiration of the current term.

c. Upon termination of this Agreement, the District shall remove all Disc Golf Course equipment and leave the Park in good condition, wear and tear due to normal use excepted.

Section 8. Attorney Fees. In the event of any action to enforce the terms of this agreement, the prevailing party shall be entitled to recover from the other party, in addition to costs and disbursements, its reasonable attorney fees at arbitration, trial and on appeal.

Section 9. Miscellaneous.

a. This Agreement shall be binding on and inure to the benefit of the parties and their respective heirs, personal representatives, successors, and permitted assigns.

b. Neither this Agreement nor any of the rights, interests, or obligations under this Agreement shall be assigned by any party without the prior written consent of the other parties.

c. Nothing in this Agreement, express or implied, is intended or shall be construed to confer on any person, other than the parties to this Agreement, any right, remedy, or claim under or with respect to this Agreement.

d. This instrument may be amended only by an instrument in writing executed by all the parties, which writing must refer to this instrument.

e. The parties agree that the remedy at law for any breach or threatened breach by a party may, by its nature, be inadequate, and that the other parties shall be entitled, in addition to damages, to a restraining order, temporary and permanent injunctive relief, specific performance, and other appropriate equitable relief, without showing or proving that any monetary damage has been sustained.

f. If any provision of this Agreement shall be invalid or unenforceable in any respect for any reason, the validity and enforceability of any such provision in any other respect and of the remaining provisions of this Agreement shall not be in any way impaired.


g. This Agreement constitutes the entire agreement and understanding of the parties with respect to the subject matter of this Agreement and supersedes all prior understandings and agreements, whether written or oral, among the parties with respect to such subject matter.

IN WITNESS WHEREOF, the City and the District have executed this agreement pursuant to due authority, as evidenced by the signatures of the duly appointed representatives of each entity below.

**HOOD RIVER VALLEY PARKS &
RECREATION DISTRICT**

By:

Its:


Board Chair

CITY OF HOOD RIVER

By:

Its:


CITY MANAGER



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

Meeting Date: August 15, 2017

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Rezone of Wallace Field

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

Staff Recommendation: Start the process to change the zoning of the parcel from residential to open space.

Suggested Motion: I move that we direct the City Manager to start the process to change the zoning of the Wallace Street property from residential to open space.

Alternatives: Leave the property as residential

Fiscal Impact: TBD

Attachments: Copy of zoning application



CITY OF BELLE ISLE, FLORIDA

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

APPLICATION FOR CHANGE IN ZONING CLASSIFICATION

** Per IDC, Chap. 42, Art. III, Sec. 42-61, a \$165.00 filing fee must be attached with EACH application **

Parcel ID#: 24-23-29-8977-00-021

Date of Request: 8/8/17

Applicant's Name: ROBERT FRANCIS

Owner's Name: CITY OF BELLE ISLE

Applicant's Address: 1600 NELA AVE

Owner's Address: 1600 NELA AVE

City, State, Zip: BELLE ISLE, FL 32809

City, State, Zip: BELLE ISLE, FL 32809

Applicant's Phone #: 407-851-7730

Owner's Phone #: 407-851-7730

Applicant's Email: BFRANCIS@BELLEISLEFL.GOV

Owner's Email: BFRANCIS@BELLEISLEFL.GOV

Request is hereby made for a change in Zoning Classification from R-1-AA to PUB (OPEN SPACE)

Current Use is: PUBLIC OPEN SPACE

Previous Use was: VACANT LOT

Reason for request and proposed use (required): THE CITY WOULD LIKE THIS PARCEL TO BE OPEN SPACE FOR PUBLIC EVENTS.

If Owner owns any adjacent parcels, please list Parcel ID #s: N/A

Applicant Signature: [Signature]

Owner Signature: [Signature]

****A COMPLETE SURVEY MUST ACCOMPANY ALL REZONING APPLICATIONS****

FOR OFFICE USE ONLY:

Application Recd On _____ Application Recd By _____ \$165.00 Check #/Cash _____

P&Z Case # _____ P&Z Hearing Date _____ P&Z Board Approved or Denied Application? (circle one)



**CITY OF BELLE ISLE
NEIGHBORHOOD PRIDE GRANTS
Grant Application**

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

PLEASE PRINT

Applicant Contact Information

Applicant Organization Name: Oak Island HOA
 Project Contact Name: Diane Dinger
 Mailing Address: 8551 OAK ISLAND PT RD
BELLE ISLE 32809
City, State Zip
 Daytime Phone: 407 230-5410 Evening Phone: 407 851-8855
 Email: ddinger@cfl.rr.com

ALTERNATIVE CONTACT INFORMATION

Alternate Contact Name: Lisa Young
 Daytime Phone: 407/625-7110 Evening Phone: 407/625-7110
 Email: lyoung17@cfl.rr.com

GRANT INFORMATION

Type of Project — please select all that apply:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Landscaping | <input checked="" type="checkbox"/> Fountains |
| <input type="checkbox"/> Reader Board Sign | <input checked="" type="checkbox"/> Other (please explain) |
| <input type="checkbox"/> Ground Lighting | <input type="checkbox"/> Project Street Address or Nearest Intersection: |
| <input checked="" type="checkbox"/> Wall/Fence pressure washing and or painting | _____ |
| <input type="checkbox"/> Irrigation "Repairs" | |

- Total amount of project: 6010.00
- Grant amount requested: 6000.00
- Neighborhood participation amount (remainder of invoice) _____

In January of 2017 we were able to do some clean out + replacement of plant material spending \$4800.00 out of our HOA. We are hoping to receive this grant to finish our beautification of our project.

PROJECT INFORMATION

Please provide the answers to the following questions.

- Description of the Project.** - This summary should provide an overview of the entire project; include what improvements will be constructed, installed, or applied. Remember to demonstrate the need for the project.
*landscaping, light mulching and improvements at entrance ways, islands and pond. * order some 500 & pressure cleaning of the wall.*
Landscape timbers.
- State the location and land ownership of the proposed project** - Is the project on public property? (Right-of-way use agreement/permit will be required.) Please state the exact location of the project, including an address or cross streets.
HOA property - Pleasure Island Rd/Kissam Ct; Oak Island Rd/Oak Island Pointe; Oak Island Rd/Pleasure Island Rd & pond located behind Pleasure Island Rd, Oak Island Rd & Kissam Ct.
- Attach 2-5 photos, and include a brief description of each photo. Please also provide the original color photos.**
- Project Maintenance:** Describe how the property has been maintained in the past, and how the project will be maintained and by whom after it is completed.
HOA maint. company. Hired new co and to improve & maintain. KEITH LYONS
- Describe why this project is important to the community.** Provide a brief summary of how the project will enhance the quality of life in the community. How will this project empower your organization to work together to accomplish common goals and objectives? (i.e., to improve neighborhood communication and participation).
Beautify the neighborhood while instilling a sense of pride in new residents and existing residents. Restore the neighborhood to the beauty of when it was developed. Much of the labor

BING TEAM ROSTER *will be neighborhood volunteers.*

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

PRINT NAME & SIGNATURE	ADDRESS/PHONE/EMAIL	ROLE/RESPONSIBILITY
Print <i>Melissa McFee</i> Signature	<i>2502 OAK ISLAND PT. RD 407/620-4633</i>	<i>volunteer labor</i>
Print <i>LISA YOUNG</i> Signature	<i>2518 Oak Island Pointe 407/625-7110 lyoung17@cfl.rr.com</i>	<i>Asst. Project Manager. Co-captain quotes & grant application volunteer labor</i>
Print <i>Cindy Johnson</i> Signature	<i>2523 Kissam Ct 386/717-3375 wjohnson78@cfl.rr.com</i>	<i>(Thurs. am) labor</i>
Print <i>Diane</i> Signature	<i>2557 OAK ISLAND PT. RD. 407 230-5410 ddinger@cfl.rr.com</i>	<i>CAPTAIN!</i>
Print Signature		

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

BELLE ISLE NEIGHBORHOOD GRANTS (BING)

BUDGET AND GRANT REQUEST		
NAME OF BUSINESS	TOTAL COST	DESCRIPTION OF SERVICES
Oak Island HOA		planters and plant material
Bid included		Pressure cleaning MOULD OFF BRICK WALLS ON both entrances
\$6,010.00		Mulching beds and entrance ways ALSO need AROUND Pond area
		Plant material on ISLAND #4 CORNER OF OAK ISLAND + OAK ISLAND PT RD
		Plant material needed on both entrances into OAK ISLAND
Keith Lyons does ALL of our landscaping, mowing of common areas for our community.		Mulching AROUND POND adding Landscape timbers
We have a great working relationship with him. He also did our Landscape project this year. Does good work AND is very reliable.		
TOTAL AMOUNT OF PROJECT	6,010.00	
GRANT AMOUNT REQUESTED	6,000.00	
NEIGHBORHOOD PARTICIPATION AMOUNT (REMAINDER OF INVOICE)	10.00	

Keep in mind we just spent 4800.00 AS A start to our beautification project.

VENDOR ACKNOWLEDGEMENT FORM

Your company is bidding to be selected to perform services for a neighborhood organization as part of Belle Isle Neighborhood Grant (BING).

Please read this acknowledgement in its entirety before proceeding with any activity. By the below form you are accepting the terms set forth:

- Please attach proof of insurance for workman compensation (waiver of subrogation), Commercial General Liability and Business Automobile Liability policies with submission of your quote. *(see attached sample)*
- You acknowledge that you will comply with all vendor requirements.
- You **are not** to start any work on the proposed project until you have been granted permission by The City of Belle Isle.
- The quote provided by your organization should include all costs associated with completing this project, i.e. — labor, material, permitting, engineering and design.
- You understand that if you are completing work that requires permitting, you must be a Belle Isle registered contractor. There is no cost associated with this process.
- You understand that the City of Belle Isle will not be responsible for costs exceeding the amount on the original quote.
- You are aware that the project must be completed within 45 days of approval of the Project.
- If your services or costs have changed or the project is delayed, the City of Belle Isle must be contacted immediately.
- Upon completion of the project, you are to invoice the City of Belle Isle with the exact products/services identified on the original quote. Any deviation may result in loss of payment.

*Registered
for
already*

ourselves

pine straw

Ed gold

registered b/f. using
4

Company Name _____

Print Name _____

Signature: _____

Title: _____

Date: _____



**CITY OF BELLE ISLE
NEIGHBORHOOD PRIDE GRANTS
Grant Application**

FINAL REPORT FORM

*To be submitted within 48 hours of completion of the project.
Please include pictures and final invoice to the City of Belle Isle.*

Neighborhood Association OAK ISLAND

GRANT TYPE (CHOOSE ONE)

- Wall Repair *PRESSURE CLEAN*
- Capital Improvement
- Sign Grant
- Mini Grant
- Entranceway
- Landscaping
- Fountain
- Other, explain _____

PROJECT COMPONENT

Vendor: _____

Work Accomplished by Vendor: _____

EXPENDITURES

Products/Services Received _____ Cost _____

VOLUNTEER HOURS

If residents are providing physical assistance or are using their personal time to help on the completion of the project price details and hours worked. Example: Working on the application, asking for estimates, meeting vendors, prep site, site maintenance, etc.

VOLUNTEER WORK	PERSON'S NAME	TOTAL HOURS

Add additional sheet if needed.

FINAL REPORT FORM - cont'd

Neighborhood Association OAK ISLAND Homeowners Assoc.

Describe the extent to which the original objective of the grant has been achieved.

Print Name: _____

Signature: _____

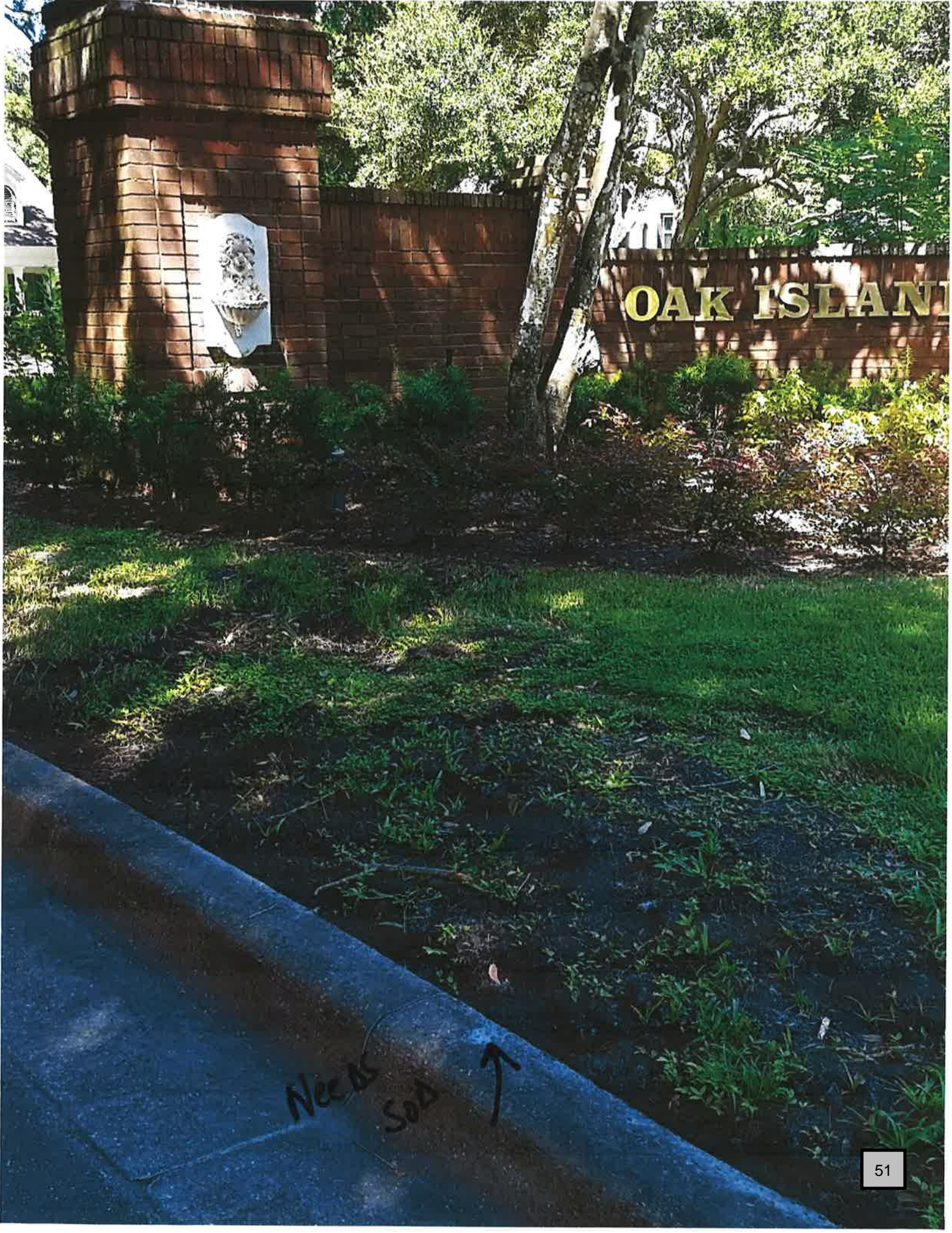
Date: _____

Pressure Washing : Four Brick Entranceway Walls One Set At Pleasure Island Entrance And One Set At Oak Island Entrance	2.0	\$275.00	\$550.00
--	-----	----------	----------

Subtotal			\$6,010.00
Total			\$6,010.00

By signing this document, the customer agrees to the services and conditions outlined in this document.

Oak Island Homeowners Association



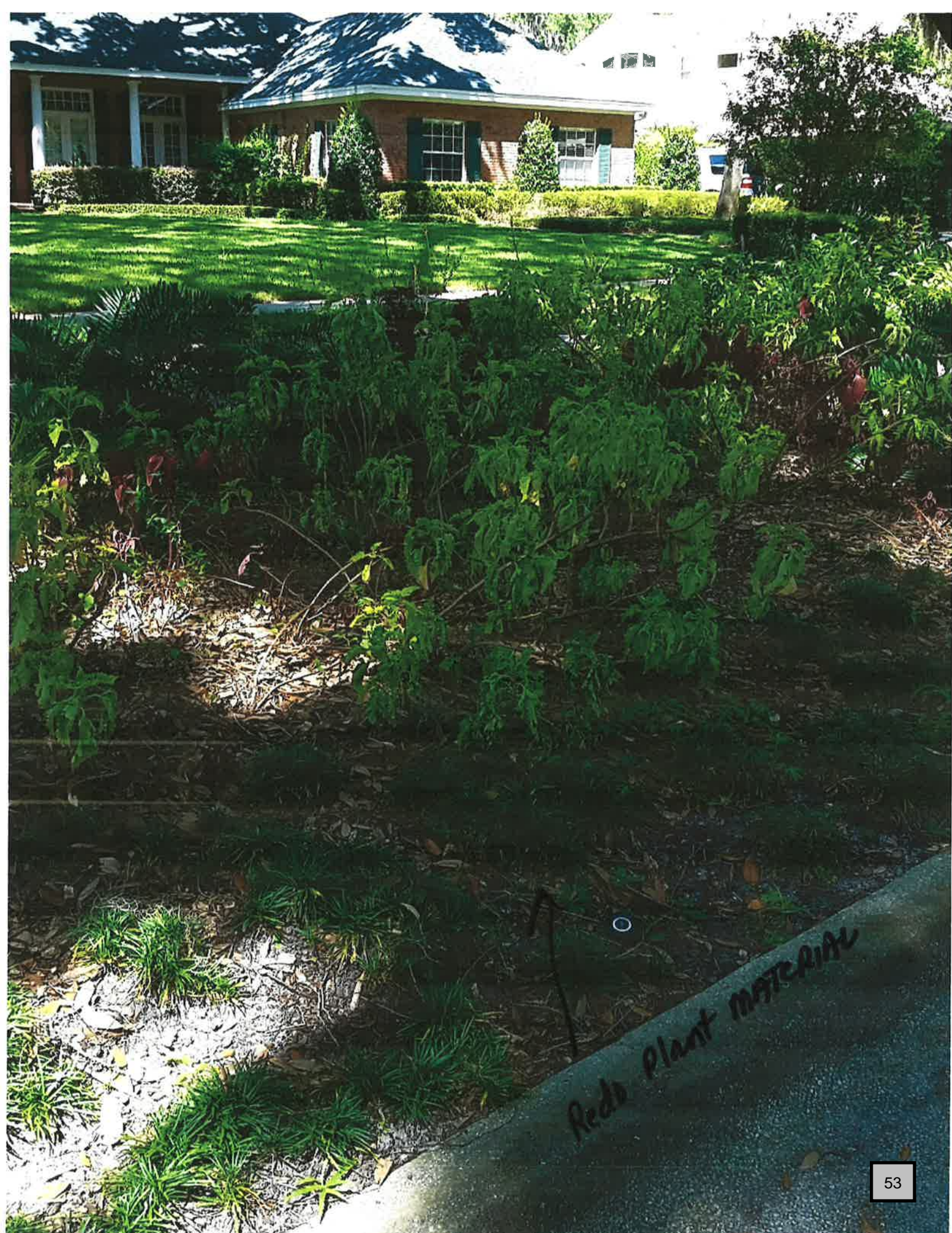
OAK ISLAND

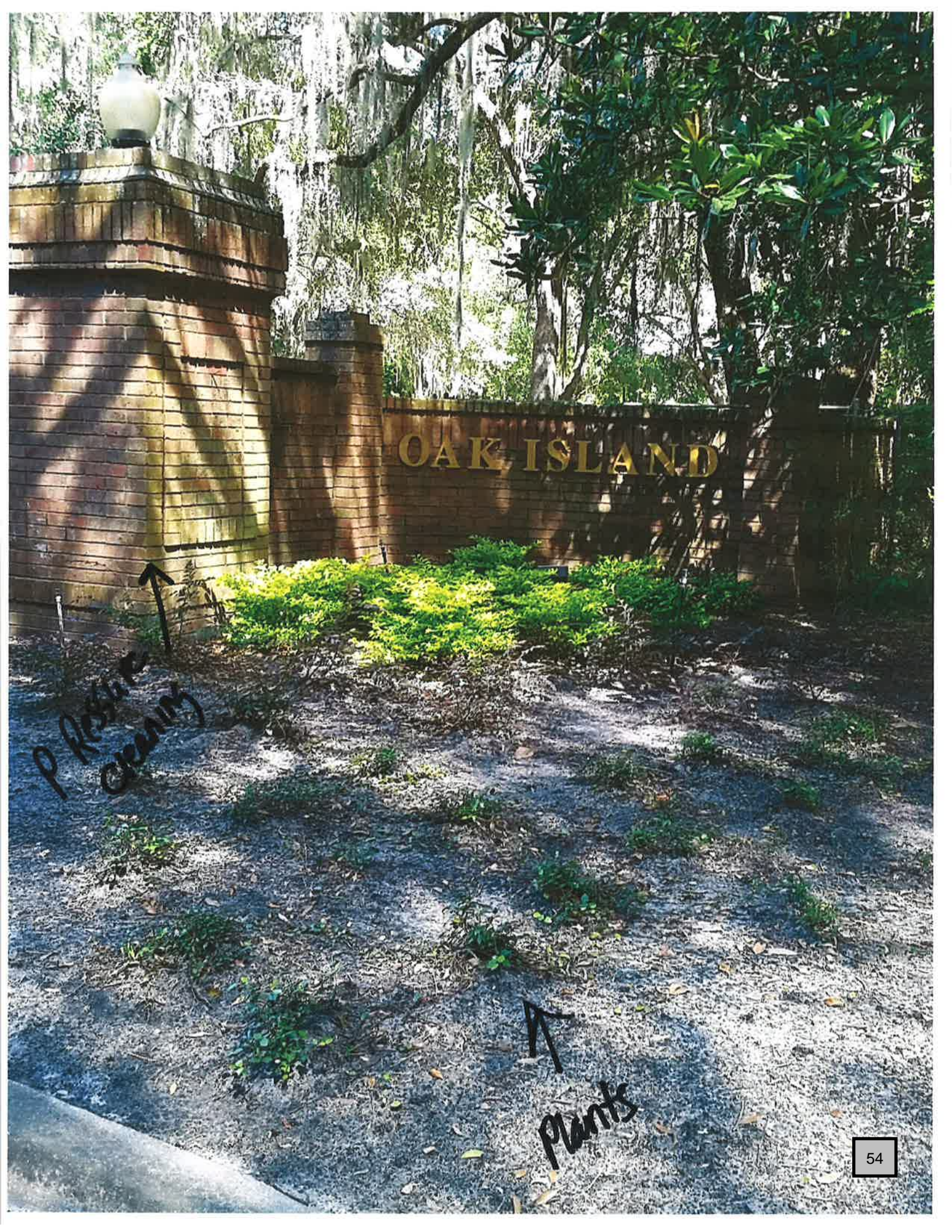
Needs Soil ↑



Pressure
cleaning
wall

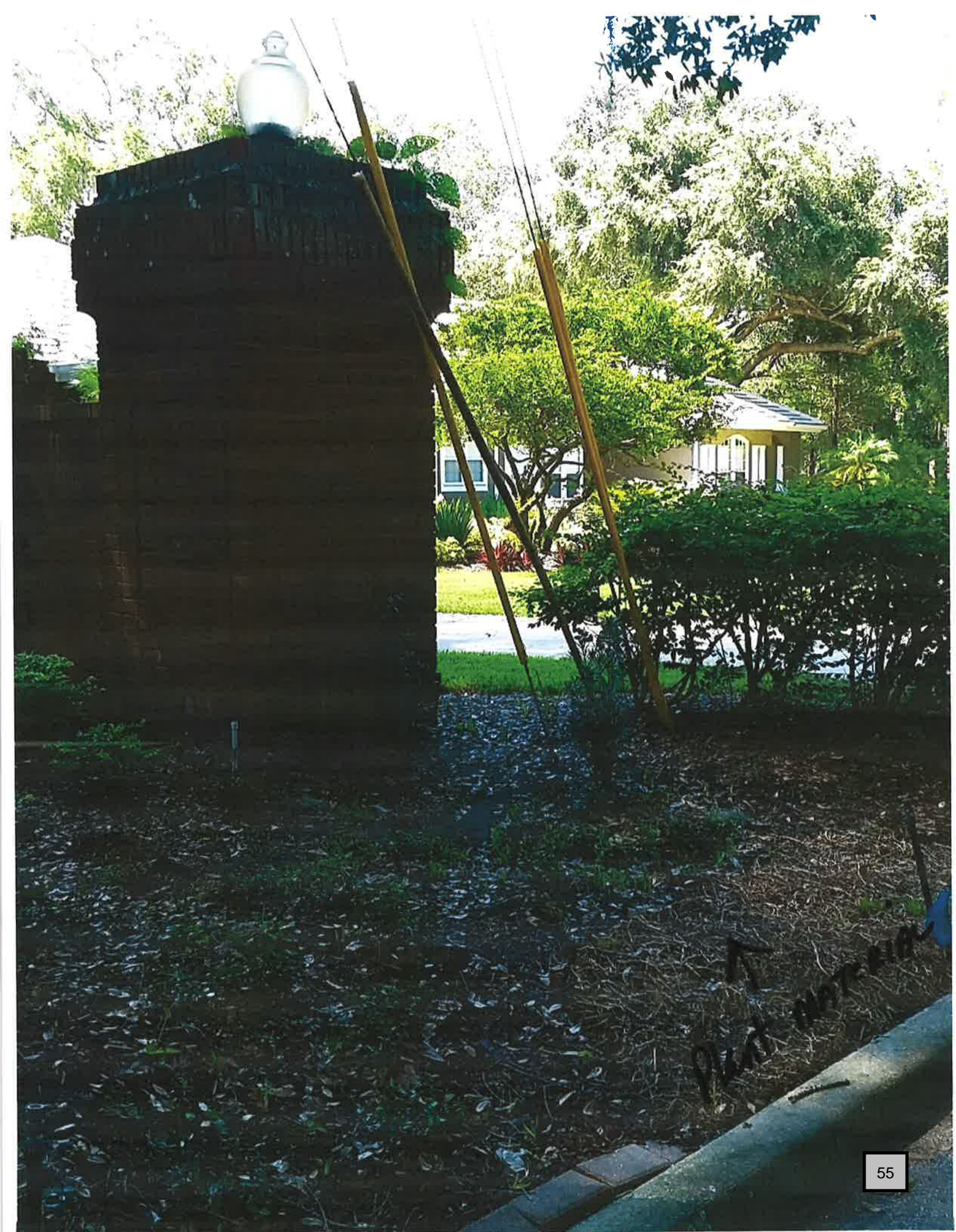
Muck →





P. Resin (green)

plants





mulch



mulch

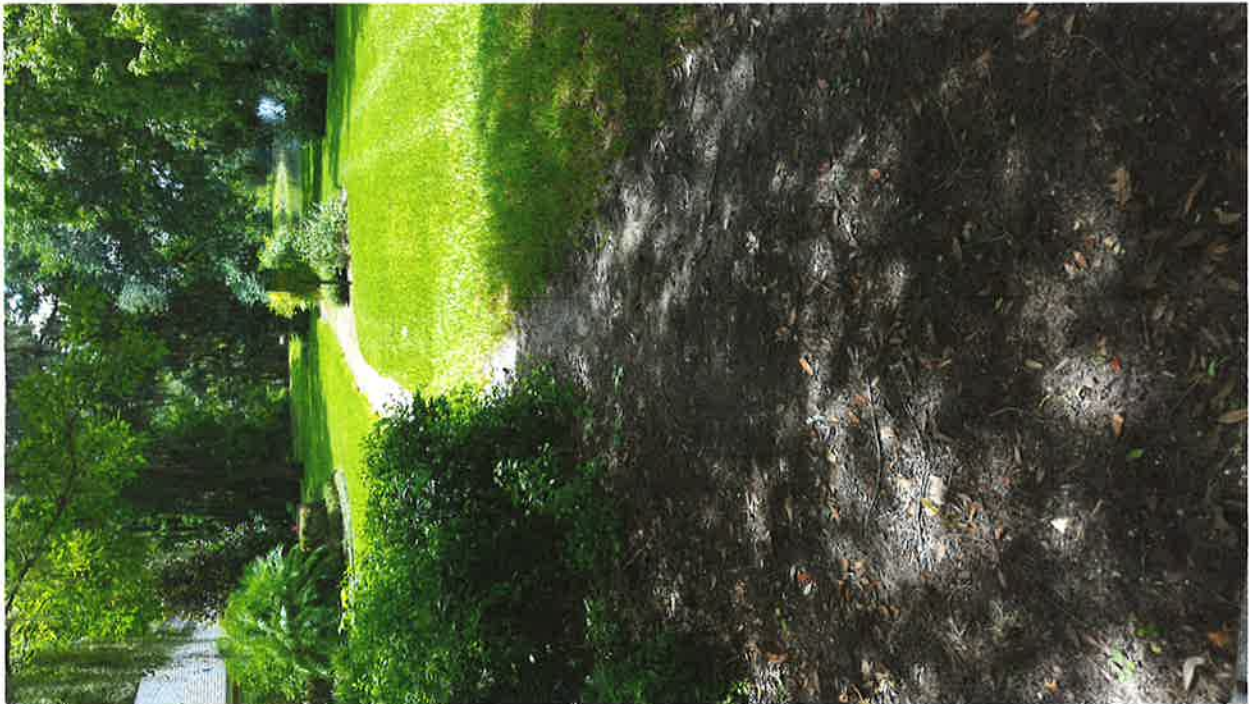


plants ↗

Pond entry way on Pleasure Island Road and Pleasure Island entrance to subdivision.



← Pot of plants



Island in Oak Island Pointe road and pond walkway.

Island will receive planters.

Needs mulching & possible
rr ties
OR
LANDSCAPE Timbers



mulch



↑ light needs replacing

Pathway around pond and Oak Island Pointe entry to pond.



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

Meeting Date: August 15, 2017

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Micro Cell Equipment Moratorium

Background: In June, the City Council approved Resolution 17-09 which was a resolution requesting Governor Scott to veto legislation which would strip cities of the ability to regulate the placement of unsightly and potentially unsafe wireless communications equipment on city property, in city rights of way.

The legislation passed and is now the Advanced Wireless Infrastructure Deployment Act. The legislation would bar local governments from prohibiting or regulating the placement of "small" or "micro" wireless facilities on or next to existing cellphone towers and utility poles within municipally owned rights of way and also prohibit local governments from imposing minimum distances between small wireless equipment.

Belle Isle is now being asked to pass another resolution to band with other small Central Florida communities which call for the wireless telecommunications industry to work collaboratively with local governments to promote effective technology infrastructure consistent with the community values of their customers.

Also, until the City can determine the problems that this new legislation poses, if any, the City should pass a resolution that places a 180-day moratorium on the acceptance/processing of all applications, of any form, and the issuance of any permits, of any form, relating to the placement or installation of "small" or "micro" wireless facilities on or next to existing cellphone towers and utility poles within municipally owned rights of way as defined by law, within the City's public rights-of-way for a period not to exceed one hundred and eighty (180) days. This moratorium would to allow staff time to undertake a thorough analysis of the City's current regulations, State and Federal Laws, and to carefully review, consider, modify, and process for adoption and implementation, reasonable non-discriminatory rules and regulations regarding the placement or installation of "small" or "micro" wireless facilities, as defined by law, within the City's public rights-of-way

Staff Recommendation: Council adopts the Resolution and .

Suggested Motion: I move that we adopt Resolution 17- 17 opposing the placement or installation of “small” or “micro” wireless facilities on or next to existing cellphone towers and utility poles within municipally owned rights of way. I further move to adopt Resolution 17- 18 that places a 180-day moratorium acceptance/processing of all applications, of any form, and the issuance of any permits, of any form, relating to the placement or installation of “small” or “micro” wireless within City owned rights of way.

Alternatives: Not adopting the resolutions might risk local control over rights-of-way in the future.

Fiscal Impact: Undetermined at this time.

Attachments: Resolution 17-17 And Resolution 17-18 and information from FLC.



2017 Legislative Issue Briefs



Wireless Communications Infrastructure

Priority Statement:

The Florida League of Cities OPPOSES efforts to strip cities of the ability to regulate the placement of unsightly and potentially unsafe wireless communications equipment on city property, in city rights of way.

Talking Points:

Florida's communities embrace the latest innovations in technology to improve the lives of our citizens. But it's outrageous for giant corporations to be empowered to trample on the authority and responsibility of our local elected officials to protect public safety and the aesthetics of our communities. That's exactly what will happen if telecom companies are given open and unchecked access to disrupt public equipment and our rights-of-way – paid for with our tax dollars.

1. The Florida Legislature is considering SB 596/HB 687, a bad bill that could become a dangerous new law. It would:
 - Blatantly interfere with the ability of hundreds of communities to protect public safety and maintain their local, unique look and feel.
 - Allow unchecked proliferation of new poles and equipment that could jeopardize public safety by interfering with pedestrians, enticing kids to climb recklessly, creating additional debris in a hurricane, and tying up space that should be reserved for police/fire radio antennas.
 - Nullify the wisdom of Florida cities to bury utility lines. Those communities would be forced to allow ugly, invasive towers up to 60 feet high on public-access land.
 - Accept refrigerator-sized equipment glommed onto existing structures or sidewalks in public rights-of-way, creating a permanent eyesore.
2. The bill leaves taxpayers defenseless:
 - It amounts to a corporate handout, allowing giant for-profit companies to install infrastructure on publicly owned structures at almost no cost to them – they make the smallest investment possible, building on the backs of the taxpayers.
 - Taxpayers would be burdened with the expense of making sure plans for towers meet building codes – even if the wireless companies later drop those plans.
 - Once the telecom companies move on to the next technology, communities would be stuck cleaning up the abandoned equipment – now junk – that they leave behind.
3. The legislation stomps out local decision-making:
 - It would strip decision-making from the hands of the local community's elected officials.
 - Big Telecom would win its way for its private agenda – and stick everyone else as the loser.

Contact: Megan Sirjane-Samples, Legislative Advocate – 850-701-3655 - msirjanesamples@flcities.com

- Telecom companies would be given preferential treatment to “cut in line” in the local permit review process, making everyone else second-class citizens.

There’s time to stop this statewide plan that could disrupt every local community. Before this bad bill becomes a dangerous law, state legislators need to step up, speak out, and fight for the best interests of the local constituents who sent them to Tallahassee – rather than boost the agenda and profits of giant corporations.

Background:

Wireless communications infrastructure, which ranges in size from a small suitcase to a refrigerator, is seen as a key enabler of high-speed mobile broadband, particularly in crowded, urban areas where the macro network can’t keep up with demand. Similarly, small cells can provide the level of network density needed to support as-yet-unstandardized “5G” services.

Several states are considering legislation pushed by telecommunications providers that would apply to the deployment of small cell communications devices on municipal infrastructure. Generally, the legislation being pursued throughout the nation would:

- Prohibit local governments from regulating the placement of small cell wireless infrastructure;
- Establish unrealistic time frames and conditions on local government permitting of wireless communication attachments to local government infrastructure;
- Restrict the fee that may be charged for the use of a city structure for a wireless communications attachment to a nominal \$15 per year, which does not provide consideration for the use of taxpayer-owned public rights of way or cover maintenance costs for the use of city structure; and
- Ignore local governments’ need to underground utilities infrastructure for safety and aesthetics, while allowing an unlimited number of new poles in the rights of way with no regard to zoning regulations.

Adoption of this legislation would set a terrible precedent for local control. Decisions about the safety and aesthetics of municipal infrastructure would be taken out of the hands of local decision makers and placed into the hands of corporations with no local interest. Potential profit would be the sole factor in determining the placement of such infrastructure.

The proposed legislation commandeers publicly owned electric poles, light poles and buildings paid for by taxpayers for the benefit of a for-profit industry, without any regard to the unique characteristics and needs of each individual municipality. This legislation will enable the proliferation of small wireless facilities that are not only unsightly, but could be potentially unsafe, particularly during a strong storm.

Status:

CS/CS/CS/SB 596 (Hutson) and **CS/HB 687** (La Rosa), as originally filed, preempted local government control of taxpayer-owned rights of way for placement of “small” or “micro” wireless antennas and equipment. Among their various provisions, the bills bar local governments from prohibiting or regulating the placement of “small” or “micro” wireless facilities on or next to existing cellphone towers and utility poles within municipally owned rights of way. The bills also prohibit local governments from imposing minimum distances between small wireless equipment.

Contact: Megan Sirjane-Samples, Legislative Advocate – 850-701-3655 - msirjanesamples@flcities.com

Local governments are given limited authority to limit the height of poles and antennas to no more than 10 feet above the tallest utility pole within 500 feet, or 60 feet if there is currently no pole in the vicinity. The infrastructure can be as big as six cubic feet in volume (for instance, 2 feet by 3 feet). All other wireless equipment associated with the facility cumulatively can be as big as 28 cubic feet in volume (the approximate size of a small refrigerator). The bills would allow an application submitted to a local government for a permit to collocate small wireless facilities to be automatically approved after 60 days if a local government does not approve or deny it within that timeframe. The bill was amended in committee to exclude the Florida Department of Transportation, deed-restricted retirement communities that have more than 5,000 residents and have underground utilities for electric transmission or distribution and municipalities that are located on a coastal barrier island that has a land area of less than five square miles and fewer than 10,000 residents.

CS/CS/CS/SB 596 was amended in committee to increase the price per attachment per year from \$15 to \$100. The amendment provides an additional 30 days after the date of the permit request to negotiate an alternative location for the equipment or facilities. In addition, the bill was amended to restrict the height of a small wireless facility to no more than 10 feet above the utility pole. Unless waived by the local government, the height for a new utility pole is limited to the tallest existing utility pole located in the right-of-way. If there is no utility pole within 500 feet of the proposed location, then the new utility pole can be no taller than 50 feet. An applicant seeking to collocate small wireless facilities can file a consolidated application and receive a single permit for the collocation of no more than 30 small wireless facilities. The amendment allows for some minimum design standards and for the wireless communications provider and the local government to negotiate those design standards at the local level. CS/CS/CS/SB 596 passed the Senate Rules Committee unanimously on April 19 and is now ready for action by the full House. CS/HB 687 passed the House Energy and Utilities Subcommittee (12-2) and is now in the House Commerce Committee, its last stop before going to the floor for a vote by the full House.

Revised: 4/21/17

1 **WHEREAS**, the City Council of the City of Belle Isle recognizes the importance of and encourages
2 the technological advancement and effective infrastructure in the field of wireless telecommunications;
3 and

4 **WHEREAS**, the City Council of the City of Belle Isle acknowledges that small cell wireless facilities
5 is the next generation of wireless telecommunications technology; and

6 **WHEREAS**, the City Council of the City of Belle Isle recognizes that the advancement and
7 facilitation of wireless telecommunications infrastructure consistent with the approvals, projects and
8 local government investments related to their rights of way, is in the best interest of the City's
9 constituents; and

10 **WHEREAS**, the City Council of the City of Belle Isle recognizes that the wireless industry finds it
11 critical that the speed with which next-generation wireless technology is deployed is material and vital
12 to business success of that technology; and

13 **WHEREAS**, the City Council of the City of Belle Isle also appreciates the critical role local
14 governments play in ensuring technological progress is consistent with the vision and values of the
15 communities they represent and to protect the community's investments in their community; and

16 **WHEREAS**, the City Council of the City of Belle Isle opposes a one-size-fits-all approach to the
17 installation of wireless telecommunications facilities within public rights-of-way, especially considering
18 the great flexibility that exists in the potential size, type, location and installation methods for the types
19 of facilities covered by the Act and the unique characteristics of each local government; and

20 **WHEREAS**, certain local governments have expended enormous resources on making their
21 rights of way safe, attractive and functional in reliance on their ability to exercise their home rule
22 authority over their rights of way; and

23 **WHEREAS**, cities, towns and villages are voluntarily created and chartered by their citizens as
24 the embodiment of local self-determination; and

25 **WHEREAS**, no other level of government is more available or responsive to the voices of their
constituents than local government; and

1 **WHEREAS**, it is widely accepted that government closest to the people is most representative
2 and effective; and

3 **WHEREAS**, in recognition of the critical role local governments serve Florida voters in 1968
4 amended the state constitution to confer broad "Home Rule" powers to municipal government, under
5 Article VIII, Section 2(b); and

6 **WHEREAS**, the Florida Legislature adopted the Home Rule Powers Act in 1973, which recognizes
7 the broad Home Rule authority of cities and counties to adopt ordinances in the interests of the public
8 health, safety, and welfare; and

9 **WHEREAS**, local government is the most effective level of government to address the needs of
10 individual communities during the roll-out of rapidly evolving technology; and

11 **WHEREAS**, it is good practice and policy to allow local governments to enforce their existing,
12 and adopt new rules, regulations and rates that meet the demands of their constituents so as to protect
13 the community investments and maintain the uniqueness of their own communities; and

14 **WHEREAS**, it is good practice and policy to encourage wireless telecommunications providers to
15 engage with local governments to ensure that the installation of wireless facilities within public rights-
16 of-way is conducted in a manner consistent with the uniqueness of each local community and the values
17 of local communities, rather than to circumvent local involvement in such a critical field; and

18 **WHEREAS**, the Act significantly adversely impacts the authority of local governments to enforce
19 existing and adopt effective rules, regulations and rates that encourage continued advancement in the
20 field of wireless communications while protecting the values of their communities; and

21 **WHEREAS**, the Act significantly impairs the ability of local governments to work with
22 telecommunications providers to ensure installation of wireless technology within rights-of-way is
23 conducted in a manner consistent with the values of the community; and

24 **WHEREAS**, the Orange County Council of Mayors has called upon the local governments of
25 Orange County, Florida to express a unified voice in supporting technological advancement that benefits
their constituents while opposing continued state action that erodes their "Home Rule" powers.

1 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA,

2 THAT:

3 **Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true
4 and correct and are incorporated herein by this reference.

5 **Section 2.** The City Council of the City of Belle Isle urges the Florida Legislature to reconsider its
6 position on local government involvement in the field of wireless telecommunications infrastructure
7 installation as enacted in the Advanced Wireless Infrastructure Deployment Act and amend the Florida
8 Statutes in order to restore "Home Rule" powers to local governments with respect to wireless facilities
9 in the public rights-of-way.

10 **Section 3.** The City Council of the City of Belle Isle expresses its solidarity with the other local
11 governments of Orange County, Florida, in supporting measures that advance wireless technology
12 without eroding the ability of local governments to protect the best interests of their communities and
13 constituents.

14 **Section 4.** The City Council of the City of Belle Isle calls for the wireless telecommunications
15 industry to work collaboratively with local governments to promote effective technology infrastructure
16 consistent with the community values of their customers. Specifically, the Council supports the
17 collaborative development of design standards and specifications that empower local governments to
18 devise customized wireless solutions that fit local conditions and, at the same time, provide for the rapid
19 deployment of next-generation technology.

20 **Section 5.** This Resolution shall become effective immediately upon its passage and adoption.

21 Passed and adopted by City Council of the City of Belle Isle, Florida this 15 day of August, 2017.

22
23 BELLE ISLE, FLORIDA
CITY COUNCIL

24 By: _____
25 Mayor Lydia Pisano

1 **ATTEST:**

2 _____
3 **Yolanda Quiceno, City Clerk**

4 _____
5 **Approved as to form and legality**

6 **City Attorney**

7 **STATE OF FLORIDA**

8 **COUNTY OF ORANGE**

9
10 I, YOLANDA QUICENO, CITY CLERK OF THE CITY OF BELLE ISLE, FLORIDA, do hereby certify that the above
11 and foregoing Resolution No. 17-17 was duly and legally passed and adopted by the Belle Isle City
12 Council in session assembled, at which session a quorum of its members were present on the _____
13 day of August, 2017.

14
15 _____
16 **Yolanda Quiceno, City Clerk**

1 **RESOLUTION NO. 17-18**

2 RESOLUTION IMPOSING A TEMPORARY MORATORIUM OF ONE HUNDRED EIGHTY
3 (180) DAYS UPON THE APPROVAL, ISSUANCE, AND/OR PROCESSING OF ANY
4 PERMITS ALLOWING THE CONSTRUCTION, INSTALLATION, AND/OR
5 MODIFICATION TO FACILITIES PERTAINING TO MINI CELL TOWERS WITHIN
6 THE RIGHT-OF-WAYS AND/OR RESIDENTIAL AREAS OF BELLE ISLE, FLORIDA
7

8 WHEREAS, the Florida Legislature adopted the Home Rule Powers Act in 1973,
9 which recognizes the broad Home Rule authority of cities and counties to
10 adopt ordinances in the interests of the public health, safety, and welfare;
11 and

12 WHEREAS, there have been both technological advancements and legal
13 developments and the Belle Isle City Council seeks time to study and address
14 the new and unique issue concerning the installation of mini cell towers
15 within the right-of-ways and residential areas of Belle Isle; and additional
16 time to for the development and implementation of regulations regarding mini
17 cell towers, the siting of such wireless facilities and utilities in a way
18 that addresses local concerns, new standards, and policies as determined by a
19 utilities facilities plan; which will provide the public with access to
20 utility and wireless services, and complies with federal and state law; and

21 WHEREAS, for the purposes of this resolution, the City of Belle Isle defines
22 "Mini Cell Towers" to include, but not be limited to, all of the following
23 categories:

24 "Wireless facilities" - meaning any antenna, accessory equipment, or other
25 wireless device or equipment used to provide wireless service; and

1 "Wireless support structures" - meaning a pole, such as a monopole, either
2 guyed or self-supporting, light pole, traffic signal, sign pole, or utility
3 pole capable of supporting wireless facilities. "Wireless support structure"
4 excludes a utility pole or other facility owned or operated by a municipal
5 electric utility; and

6 "Small cell family" - meaning a wireless facility where each antenna is
7 located inside an enclosure of not more than six cubic feet in volume or, in
8 the case of an antenna that has exposed elements, the antenna and all of its
9 exposed elements would fit within an enclosure of not more than six cubic
10 feet in volume and all other wireless equipment associated with the facility
11 is cumulatively not more than twenty-eight cubic feet in volume and if the
12 wireless facility were placed in a wireless support structure, the increased
13 height would not be more than ten feet or the overall resulting height would
14 not be more that fifty feet. The calculation of equipment volume shall not
15 include electric meters, concealment elements, telecommunications demarcation
16 boxes, grounding equipment, power transfer switches, cut-off switches, and
17 vertical cable runs for the connection power and other services; and

18 "Micro wireless facility" - including both a distributed antenna system and a
19 small cell facility, and the related wireless facilities; and

20 "Distributed antenna system" - meaning a network of facility to which all of
21 the following apply: (1) It distributes radio frequency signals to provide
22 wireless service; (2) It meets the height and size characteristics of a small
23 cell facility; (3) It consists of remote antenna nodes deployed throughout
24 desired coverage area; has a high capacity signal transport medium connected
25 to a central hub site; and equipment located at the hub site to process or
control the radio frequency signals through the antennas; (4) It conforms to

1 the size limitations specified in definition of a "small cell facility: in
2 this section; and

3 WHEREAS in order to complete this review, develop a utilities facilities
4 plan/ordinance/resolution, and/or permitting process and/or review and make
5 recommendations on zoning, prohibition and/or limitations of mini cell; City
6 staff will require additional time towers to accomplish the aforementioned so
7 that any necessary regulations, processes, etc., conform to goals of the City
8 of Belle Isle and help ensure the public peace, health, safety, and welfare
9 of its citizens; and

10 WHEREAS, a moratorium of one hundred eighty (180) days on the granting of
11 permits for mini cell towers in the right-of-ways and residential areas of
12 the City of Belle Isle will allow the City Council time to accomplish the
13 City's goals and help ensure the public peace, health, safety and welfare of
14 its citizens.

15 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BELLE ISLE:

- 16 1. The City Council hereby imposes a moratorium of one hundred eighty
17 (180) days on the approval, issuance and processing of any permits for
18 the construction, installation, and/or modification of mini cell towers
19 within the rights-of-ways and residential areas of the City of Belle
20 Isle. The process of this temporary moratorium is so that City staff
21 may study the laws and the related issues and then determine what, if
22 any, regulation regarding the location and installation of mini cell
23 towers within the rights-of-ways and residential areas of the City of
24 Belle Isle are necessary, and to prepare any such related regulations.
- 25 2. The City Council seeks to limit the duration of the moratorium and to
instruct the City Manager and City staff to immediately undertake a

1 review of the law and related issues; City staff will then recommend
2 new regulations regarding the location and installation of mini cell
3 towers within the rights-of-ways and residential areas of the City of
4 Belle Isle.

5 3. The City Council hereby directs and orders that no permits for the
6 installation of any new mini cell towers within the residential areas
7 of Belle Isle be issued or processed by the City during the one hundred
8 eighty (180) day moratorium.

9 4. That it is hereby found and determined that all formal actions of the
10 Council concerning and relating to the passage of the Resolution were
11 taken in an open meeting of the Council, and that all deliberations of
12 the Council that resulted in such formal action were taken in meetings
13 open to the public, in compliance with all legal requirements. and

14 5. That the Council by the majority vote hereby authorizes the adoption of
15 the Resolution and this Resolution shall take effect immediately upon
16 its passage.

17 Passed and adopted by the City Council of the City of Belle Isle, FL this
18 15th day of August 2017.

19 _____
20 **Lydia Pisano, Mayor**

21 **Attest:**

22 _____
23 **Yolanda Quiceno, City Clerk**

24 _____
25 **Approved as to form and legality**
City Attorney

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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. 17-18 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, 2017.

Yolanda Quiceno, City Clerk

**Belle Isle Issues Log
8/11/2017**

<u>Issue</u>	<u>Description</u>	<u>Start Date</u>	<u>POC</u>	<u>Expected Completion Date</u>	<u>Next or Completed Action</u>	<u>Notes</u>
NPDES Reporting	Prepare NPDES TMDL Plan and MS4 Reporting to State	10/1/2016	CM	31-Mar-16	City Engineer preparing application. CM looking at drafting SOPs related to NPDES. Engineer attended meeting with Orange County to review requirements	State allowed for extension to 9/15/2017. Harris Engineers top priority. Working on SOPs
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	9/30/2017	Test Outflow to determine particulate. Review Plans for drainage system with Engineer. Look at diverting the drainage to Wallace field to keep it out of the lake. CM to write St. John's WMD for discharge to Wallace Field.	OCEPD wants the city to take care of this problem. Possibility of being fined if it continues. City may have to dig test pits in field to determine problem. CM Letter to SJWMD for diversion of outflow to Wallace field
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	11/30/2017	Harris Engineering walked site. Initial Schematic drawings should be received by 8/3. Possibility that a large discharger pipe is necessary. Concept for new design complete.	Schematics and ideas received from Harris Eng. For drainage, erosion control and landscaping concept. CM to set up neighborhood meeting
Street Paving	Council approved project for paving several streets in the City. Middlesex Paving is the contractor	8/12/2017	PW/CM	9/30/2017	Notify residents of project when it is in their neighborhood. Use of door hangers and meetings	No update until project projected start date is nearer. Mid-September start date. Notifications to start next week.
Storm Drainage	Several individual projects are being looked at to complete. St. Partens, McCawley Ct., Swann Beach, 3101 Trentwood.	4/3/2017	PW/ENG	9/30/2017	Design plans for McCawley Ct. and Site visit to St. Partens with Engineer. Swann Beach Drainage project 90% complete.	3101 Trentwood Completed. Swann Beach is complete (email sent to Council). Engineering for McCawley Court drainage to start
Nela/Hoffner Bridges	Work on Nela/Hoffner Bridges include new lights and painting. Work under Nela Bridge	5/1/2017	PW/CM	7/31/2017	Nela Bridge touch-up. Paint Hoffner Bridge. Meeting with Duke Energy July 31. Nela Bridge lights to be reprogrammed.	Nela Bridge lights should be reprogrammed by August 15
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.	12/31/2017	Traffic Engineer Scope of Work for Trentwood revised to include counts when school is in session. Discuss parameters for city-wide study.	CM and Comm. Lance met with Trentwood homeowners to talk about study. HOA has a design they want reviewed as part of the study. City-wide study to be done next budget year. Trentwood Study to start August 14.

**Belle Isle Issues Log
8/11/2017**

Fountain at Nela/Overlook	Council approved funding to convert the planter at Nela/Overlook to a fountain.	4/3/2017	CM	9/30/2017	Contacting fountain installers for quotes. Art work to be contest for residents. Initial Quotes received were for \$75K and \$51K without art work. CM to receive new quote based on new Scope of Work	Use BING funding from Districts 3 and 5. Possibly use remaining BING funds from all districts or carry over to next year.
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	9/30/2017	New signs will be made and replace the current signs for parks. Meeting with sign maker on August 1st. New signs in for design	Wallace/Matchett area is separate issue. Expect design review by September 5
Standardize Boat Ramp Signs	Council held a workshop on June 14 to discuss boat ramp issues. Standardize signage was one of the issues. Council reviewed proposed signs and directed to move forward.	6/14/2017	CM	9/30./17	New signs will be made and replace the current signs for ramps. Perkins and Venetian ramps will have same rules. Waiting for decision on lake level closure. New signs in for design	Perkins Ramp upgrade is separate issue
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	12/31/2017	CM to get quotes for fencing around property. Dist. 2 Comm. To setup meeting with neighborhood residents to discuss Wallace St. plat. Met with fence contractor for fencing quote. Change zoning (Council Agenda item for 8/15 meeting). Agreement for CCA use of the field (Council Agenda item for 8/15 meeting)	Dist. 2 Comm. to report meeting results to Council. Delay in meeting with residents.
Perkins Boat Ramps	Council discussed issues at June 14 meeting for Perkins ramp . Rules need to be put in place according to Ordinance 18-20. Perkins also needs to be upgrade with new fencing, ramp construction and road and dock construction. New drainage also needs to be installed. Council allocated \$38,.000 to drainage.	4/3/2017	CM	12/31/2017	Order new signage. Quotes for road and ramp replacement as part of drainage. Quotes for fencing for next budget year. Surveyor to install gauge to access lake level for ramp closures.	Attorney for neighbor (Jack Liberty) reviewing signage to insure it is in accordance with permit. Looking at correct lake level to close ramp. Meeting scheduled with County Attorney, CM, and Jack Liberty Attorney to determine correct ramp closure level.

**Belle Isle Issues Log
8/11/2017**

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	A Capital Improvement Plan needs to be developed for the future replacement of major systems. The CM has contacted a facilities engineering firm to conduct an inspection of the major system to determine the life of the system and obtain a baseline report of the facility and grounds. Engineers inspected CCA facilities. Report due in 30 days.	This plan does not include the drainage issue at CCA. The facility report should be completed within the next 90 days. Once Engineer Report is received, a Capital Facility Plan will be developed for funding infrastructure.
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.	CM will present a SWOT memorandum based on his first 90-days as CM. SWOT stands for Strengths, Weaknesses, Opportunities, Threats. A SWOT Analysis is one of the first processes in the Strategic Plan development. CM SWOT to be presented at 9/5 Council Meeting
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	Council directed the CM to apply for the designation IAW Florida Statutes.	Application being completed per Florida Statutes. New ordinance drafted IAW FWC guidelines and FAL 68a-19.002 (Council Agenda Item for 8/15 meeting)
Social Media Policy	City Council expressed concerns that there were postings to social media sites that were not representative of the City government views. The Council requested a social media policy be developed.	4/3/2017	CM	Completed 7/18/2017	Policy drafted. Council review on 7/18/17. Council adopted policy on 7/18/17	Policy sent to Elected officials and employees to review and sign. Issue considered closed. Social media/marketing position in FY2017-18 budget
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	12/31/2017	Meet with consultant to determine what was done and what is left to do.	It was determined that no code revisions have been completed. CM will start the process by October 1.

**Belle Isle Issues Log
8/11/2017**

Charter Review	The City Council started the process of reviewing the charter for changes. The Council held two workshops and needs to finish the changes in time to be placed on the next ballot.	12/1/2016	Council/CM	8/22/2017	Set another workshop to review changes made and to finish the Charter review. Revisions completed by CA. Need to schedule Council workshop to review revisions.	Changes sent to Attorney for review. Need to set up another workshop. Changes need to be formalized by 9/30
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	12/31/2017	Meet with consultant to determine what was done and what is left to do.	Any changes should go to P&Z Board for recommendation to Council. No changes were made. Process to start October 1, 2017
Annexation	Council discussed the desire to annex contiguous property in order to build the tax base and possibly provide more commercial development in Belle Isle.	4/3/2017	Council CM	12/31/2017	Council to determine the priority to annex especially with the establishment of the Pine Castle Urban Center on S. Orange Ave.	After Priority is established, start evaluation process.
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)	CM/Duke Energy Meeting on July 31. LED Street Lighting to be installed Oct-Nov timeframe. Notification to residents to begin. CM to review places where solar would be used for city property.