



CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Held in City Hall Chambers 1600 Nela Ave, Belle Isle
Held the 1st and 3rd Tuesday of Every Month
Tuesday, November 15, 2022 * 6:30 PM

AGENDA

City Council Commissioners

Nicholas Fouraker, Mayor

Vice-Mayor – Jim Partin, District 7

District 1 Commissioner – Ed Gold | District 2 Commissioner – Anthony Carugno | District 3 Commissioner – Karl Shuck | District 4 Commissioner – Randy Holihan | District 5 Commissioner – Beth Lowell | District 6 Commissioner – Stan Smith

Welcome to the City of Belle Isle City Council meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk's office or website at www.belleislefl.gov. If you are not on the agenda, please complete the yellow "Request to Speak" form to be handed to the City Clerk. The Council is pleased to hear relevant comments and has set a three-minute limit. Rosenberg's Rules of Order guide the conduct of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent, or slanderous remarks are not permitted. Please silence all technology during the session. Thank you for participating in your City Government.

1. **Call to Order and Confirmation of Quorum**
2. **Invocation and Pledge to Flag** - Comm Anthony Carugno, District 2
3. **Presentations**
 - a. Proclamation Celebrating Sheldon Govia's 90th Birthday
 - b. Hurricane Heroes - Mayor Fouraker
4. **Consent Items** - These items are considered routine and previously discussed by the Council. One motion will adopt them unless a Council member requests before the vote on the motion to have an item removed from the consent agenda and considered separately.
 - a. Approval of the City Council meeting minutes - October 18, 2022
 - b. Approval of the City Council meeting minutes - October 28, 2022
 - c. Approval of the City Council meeting minutes - November 1, 2022
5. **Citizen's Comments** - Persons desiring to address the Council must complete and provide the City Clerk a yellow "Request to Speak" form. When the Mayor recognizes you, state your name and address and direct all remarks to the Council as a body, not individual council members, 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 answered within a reasonable period following the meeting date.
6. **Unfinished Business**
 - a. **ORDINANCE NO. 22-10 SECOND READING AND ADOPTION** - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA MODIFYING CHAPTER 10 "ENVIRONMENT" BY CREATING ARTICLE VII "DILAPIDATED, DANGEROUS, DECAYED STRUCTURES AND APPURTENANCES; AMENDING SECTION 10-153 "GRASS, LANDSCAPING AND LOT MAINTENANCE; AMENDING CHAPTER 18 "PARKS AND RECREATION"; AMENDING SECTION 24-41 "TEMPORARY CONSTRUCTION DUMPSTERS"; AMENDING SECTION 30-32 "NOTICE TO REMOVE" AND SECTION 30-36 "REMOVAL OF VEHICLE BY CITY FROM PROPERTY" OF THE CITY'S CODE OF ORDINANCES; AND PROVIDING FOR ENFORCEMENT, SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.
7. **New Business**
 - a. **RESOLUTION NO. 22-32** - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022, PROVIDING AN EFFECTIVE DATE.
 - b. RFP For Updating Stormwater Rate
8. **Attorney's Report**
9. **City Manager's Report**
 - a. Issues Log
 - b. Chief's Report
10. **Mayor's Report**
11. **Items from Council**

"If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."(F. S. 286.0105). "Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting." –Page 1 of 2

12. Adjournment

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**CITY OF BELLE ISLE, FL
CITY COUNCIL MEETING**

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

Tuesday, October 18, 2022, * 6:30 pm

MINUTES

Present was:

- Nicholas Fouraker, Mayor
- District 1 Commissioner – Ed Gold
- District 2 Commissioner – Anthony Carugno
- District 4 Commissioner – Randy Holihan
- District 5 Commissioner – Beth Lowell
- District 6 Commissioner – Stan Smith
- District 7 Commissioner – Jim Partin

Absent was:

- District 3 Commissioner – Karl Shuck

1. Call to Order and Confirmation of Quorum

Mayor Fouraker called the meeting to order at 6:30 pm, and the Clerk confirmed quorum.

Also present were City Manager Francis, Attorney Langley, Chief Houston, and City Clerk Yolanda Quiceno.

Mayor Fouraker called for a motion to excuse Comm Karl Shuck's absence.

Comm Gold moved to excuse Comm Shuck's absence from today's meeting.

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

2. Invocation and Pledge to Flag – Commissioner Jim Partin, District 7

Comm Partin gave the invocation and led the pledge to the flag.

3. Consent Items

- a. Proclamation of Week of the Family
- b. Approval of meeting minutes of October 4, 2022
- c. Monthly Reports: OC Fire Responses

Mayor Fouraker read the Proclamation for the record.

Comm Holihan moved to approve the consent items as presented.

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

4. Citizen's Comments

Mayor Fouraker opened for Citizen Comments.

- Gary Meloon residing at 6101 Matchett Blvd, spoke regarding the change of plans with CCA and future development with Wallace Park. He asked for additional information on the design and layout of the proposed facility to allow the homeowners who live around the field to participate in an informed conversation as the Council reviews the future use of the field. He asked will there be a holding cell, how will they regulate noise from sirens, and how will firearms be secured.

There being no further comment, Mayor Fouraker closed citizen comments.

5. Unfinished Business

a. Discussion on Wallace Field

City Manager Francis said this agenda item had been reopened for discussion by Council at a previous meeting. He said when the City was looking at purchasing the Bank Of America building (BOA), the intent was to house the new police department. After discussions with Cornerstone Charter Academy (CCA), the City

Council approved CCA to lease the BOA building for the school expansion. The new lease agreement with CCA was approved and opened for further research of a new location for the City staff. The City has been engaging in discussions with Development companies to relocate City Hall and the Police Department. The Staff has completed a Space Needs Analysis but has no approved Conceptual Plan for the building. Some viable locations are Wallace Field, with access to a boat ramp, and the funeral home on Orange Avenue.

For the record, Mr. Francis read the agreement section that spoke to Wallace Field and clarified that Wallace Field is not part of the school expansion plan. This property belongs to the City to consider for development. At this time, the concept for discussion is that the Police Department will have its facility, and City Hall Admin will move into the existing Police Department. City Hall will be reconstructed with adequate meeting space. Mr. Francis said the City does have an additional location for consideration; however, he has not received a final report for review. The \$1.7 million grant proposed by the State has since been dissolved. He noted that the City would reapply, through the lobbyists, for State funding to help build the facility in the new year.

Mr. Francis stated that it is challenging to obtain new annexations because Orlando borders the properties on the east. The Pine Castle preservation District goes to Orange Blossom Trail; without Orange County's cooperation, we are landlocked.

Comm Holihan asked if the Staff was looking at other locations. He said he would like Council to decide on a couple of sites and make a decision on one of the sites to move forward. Comm Holihan said he wants to see City Hall and the Police Department in one building.

Council discussed eminent domain, satellite locations, traffic noise from the police department vehicles if placed on Wallace field, and how inadequate the current Police Department facility is for the officers, Staff, and code enforcement officers.

Chief Houston said they could regulate the use of the sirens. At this time, the Fire Department turn on its sirens once they are on Orange Avenue. Chief Houston said she is not a fan of satellite offices. In response to the Public comment, Chief Houston said all guns are kept in the vault and securely managed.

Comm Gold said he would like to see Wallace Field be allocated as a park, stay true to the commitment to the residents, and keep it part of the City's green space.

After discussion, Comm Gold moved to dedicate Wallace Field as part of the green space and have the proposed city buildings at another location.

Attorney Langley clarified and said the City Manager is asking for direction to take Wallace Field off the list as a location for a new city building.

Comm Gold revised his motion and moved that the City Council officially take Wallace Field off the list for an Emergency Operation Center/City Hall. The motion died for lack of a second.

Council discussed the following topics and thoughts on what is best for the City,

- CCA Shared Use Agreement and proposed improvements before approval of new lease
- What does the Park look like independent of the school (dog park with greenspace)
- The City has zero surplus property; Wallace Field's location may be odd for a municipal complex
- The Vamp building on Hansel/Orange Avenue is available; combined facility for all City staff. However, traffic on Orange Avenue may hinder Police Officer access
- Consider Condemnation (may not be cost-effective and can be in the court system for years before resolution)
- Other sites available to bring forward for discussion

After discussion, Council agreed to the following action items,

- The consensus was to have one municipal complex for City Hall and Police Department Staff. However, having City Hall a couple of blocks away can be an option to consider if not possible.
- Purchase the new property to grow the City surplus and house staff appropriately
- Hire an Appraiser to negotiate the purchase price

6. New Business

a. Approval of Pioneer Days Donation Request

**Comm Smith moved to approve the donation to Pioneer Days for the Acoustic Stage.
Comm Lowell seconded the motion, which passed unanimously 6:0.**

b. Discussion on Holiday Meeting Schedule

City Manager Francis provided a list of calendar dates for the upcoming City meetings and holiday events. Mr. Francis said there would be no need to cancel any scheduled meetings because no conflicts are pending with forthcoming holiday events.

7. Attorney's Report – No report.

8. City Manager's Report

a. Issues Log

Mr. Francis gave an overview of the Issues Log dated October 18, 2022. He informed the Council of the following additional items,

- Mr. Francis said he would like to create two Adhoc Committees, (1) Traffic and (2) Comp Plan. He would like to fill the positions as soon as possible and be appointed by District.
- 4-Hour Council Training scheduled off-site for Friday, October 28, from 10 am -2 pm.

b. Chief's Report

Chief Houston reported on the following,

- Chief Houston reported that Patrick Albery, Code Enforcement officer, moved to Public Works. There is an opening for Code Enforcement Officer and a Crossing Guard.
- PD is accepting canned food for Food Drive. Drop-offs can be made at the Police Department.
- Lake Conway is closed due to damaged docks and debris in the water. Chief asked residents to please stay off of the lake until further notice.
- The Police Department will have additional officers around the city on Halloween night. She is recommending that the festivities end at 9 pm.

**Comm Gold moved that the City allow Halloween Festivities to end by 9 pm in the City.
Comm Lowell seconded the motion, which passed unanimously 6:0.**

c. Public Work Report

- Pipe Issues on Cullen Lake Shore, St Moritz, and St Regis. Staff meeting with contractors to evaluate the areas.
- Barby Lane drainage project should be out for bid next week.
- Cross Lake storm drain will be redesigned to flow towards the lake.
- Sol/Kandra project discussions on final paving for the intersection. The ground is very saturated. Some front yards are raised, and the irrigation drains from the front yards to the sidewalk. The Contractor asked for door hangers for the residents to stop using their irrigation until the paving is complete. Mr. Francis said the Contractor provided contact information to the residents to allow them to submit any damage claims.
- Conway Road and Belle Vista – The HOA fence was destroyed. The City of Orlando should be contacted for repair.

9. Mayor's Report

Mayor Fouraker reported on the following,

- Mayor Fouraker shared an email he received from Terry Keller, Swan Avenue, thanking Staff and JJs for the quick cleanup of hurricane debris.
- Annual Blues BBQ – Saturday at 6:30 pm.
- Mayor Fouraker attended the BOCC meeting to support the Resolution for the Road Realignment.

10. Items from Council

- Council thanked Staff and the PD for their support during Hurricane Ian's cleanup efforts.
- ANAC meeting is scheduled for Friday, October 21, at 10 am.
- Boat Parade dates Dec 16, 17 and 18
- City staff is encouraging lake users not to create a wake within 500 ft from shore. City boat ramps are currently closed until further notice.
- City staff identified the areas with existing Hurricane Ian debris. Friday is bulk day, and JJ's will be going around the City to pick up the trash/debris broken down to manageable size.

11. Adjournment

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



**CITY OF BELLE ISLE, FL
CITY COUNCIL RETREAT**

Held at the Embassy Suites, 5835 TG Lee Blvd, Orlando, FL 32822

Friday, October 28, 2022, * 10:00 am

MINUTES

The Mayor, City Council, and staff attended a training on Friday, October 28, 2022, from 10 am - 3:00 pm at the Embassy Suites, 5835 TG Lee Blvd, Orlando, FL 32822. The meeting was duly posted on the City's website and at City Hall.

Present was:

- Nicholas Fouraker, Mayor
- District 1 Commissioner – Ed Gold
- District 2 Commissioner – Anthony Carugno
- District 4 Commissioner – Randy Holihan
- District 5 Commissioner – Beth Lowell
- District 6 Commissioner – Stan Smith

Absent was:

- District 7 Commissioner – Jim Partin
- District 3 Commissioner – Karl Shuck

Also present were City Manager Bob Francis, Chief Laura Houston, Deputy Chief Grimm, Finance Director Tracey Richardson, Finance/Admin Asst Heidi Peacock, and City Clerk Yolanda Quiceno.

Rosenberg Rules of Order and the Council Rules

Attorney and Partner of Trask Daigneault LLP, Randy Mora, presented an overview of the meeting and Council rules. He discussed the fundamentals of Parliamentary Procedures and Rosenberg's Rules of Order.

Adjournment

There being no further business, the session ended at 2:20 pm.



**CITY OF BELLE ISLE, FL
CITY COUNCIL MEETING**

Tuesday, November 01, 2022, * 6:30 PM
MINUTES

Present was:

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

Absent was:

1. Call to Order and Confirmation of Quorum

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

2. Invocation and Pledge to Flag – Commissioner Ed Gold, District 1
Comm Gold gave the invocation and led the pledge to the flag.

3. Consent Items – No Consent Items were presented.

4. Citizen's Comments

Mayor Fouraker opened for Citizen Comments.

- Duane Kuck, President & CEO of Regal Boats, presented to Council an update on future expansion for Regal Boats. Also present were Tim Kuck, Exec Vice President, and Paul Kuck, VP of Product development and Manufacturing. Mr. Kuck gave an open invitation to the City Council to Regal Boats for a facility tour.

There being no further comment, Mayor Fouraker closed citizen comments.

5. Unfinished Business - na

6. New Business

- a. Discuss reducing the cost of permits for repairs due to Hurricane Ian
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, AUTHORIZING THROUGH DECEMBER 28, 2022, THE TEMPORARY LIMITED WAIVER OF HURRICANE IAN-RELATED CITY BUILDING PERMIT FEES IN RESIDENTIAL AND COMMERCIAL ZONING DISTRICTS FOR REPAIRING OR REPLACING ROOFS, SCREENED ENCLOSURES, FENCING, HVAC AND ELECTRICAL SYSTEMS, SWIMMING POOL SYSTEMS, MARINE STRUCTURES, AND SOLAR COLLECTORS; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Francis presented Resolution 22-32 for approval of a temporary waiver of City permit fees due to Hurricane Ian. The permits will include roofs, screened enclosures, fencing, HVAC and electrical systems, swimming pool systems, solar collectors, marine structures, and boat docks. He stated that property owners must apply for the permit but will not incur the permit fee. The temporary waiver will commence upon adoption of Resolution 22-32 through December 28, 2022.

Comm Partin moved to adopt Resolution 22-32 and approve the temporary waiver of building permit fees for applications to repair or replace permits for roofs, screened enclosures, fencing, HVAC and electrical systems, swimming pool systems, solar collectors, marine structures, boat docks. Comm Carugno seconded the motion, which passed unanimously upon roll call.

b. Ordinance 22-10 amending BIMC and creating a new code for condemnation

City Manager Francis presented Ordinance 22-10 for First Reading and consideration.

City Manager Francis said in October that the City Council approved moving forward with several changes to the Belle Isle Municipal Code. The City Attorney created Ordinance 22-10 as per the discussion. The Code currently needs a clear direction on citing buildings with unsafe conditions and dilapidated property, which should provide staff with a clear direction. He requested a first reading and adoption at the November 15, 2022, meeting.

Council asked who will monitor and enforce section 18-6. City Manager Francis said it would fall under Code Enforcement. Council further asked if section 24-41(b)(1) violates our current code. Mr. Francis said no because the homeowner will be required to obtain a city dumpster permit to be placed on the property.

City Manager Francis read Ordinance 22-10 by title.

ORDINANCE NO. 22-10 - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, MODIFYING CHAPTER 10, "ENVIRONMENT," BY CREATING ARTICLE VII, "DILAPIDATED, DANGEROUS, DECAYED STRUCTURES AND APPURTENANCES; AMENDING SECTION 10-153 "GRASS, LANDSCAPING AND LOT MAINTENANCE; AMENDING CHAPTER 18 "PARKS AND RECREATION"; AMENDING SECTION 24-41 "TEMPORARY CONSTRUCTION DUMPSTERS"; AMENDING SECTION 30-32 "NOTICE TO REMOVE" AND SECTION 30-36 "REMOVAL OF VEHICLE BY CITY FROM PROPERTY" OF THE CITY'S CODE OF ORDINANCES; AND PROVIDING FOR ENFORCEMENT, SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

Comm Holihan moved to place Ordinance 22-10 on the agenda for November 15, 2022, second reading and adoption.

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

c. Resolution 22-30 creating a Comprehensive Plan Advisory Committee

City Manager Francis presented Resolution 22-30 and read by title.

RESOLUTION 22-30 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, CREATING A CITY Comprehensive plan ADVISORY COMMITTEE (CPAC).

City Manager Francis said that because the Comprehensive Plan is for the entire community, it would be beneficial to create an Advisory Committee. The Committee would review the Comprehensive Plan and Request for Proposal, oversee stakeholder meetings, and report to City Council for approval.

Council discussed that no sitting board member could apply for nomination and is appointed by District. Mr. Francis asked if Council would be willing also to choose one primary and one alternate person if more than one application is received. The Council consensus was to nominate members as discussed.

Comm Gold moved to adopt Resolution 22-30, creating a Comprehensive Plan Advisory Committee. Comm Partin seconded the motion, which passed unanimously upon roll call 7:0.

d. Resolution 22-31 creating a Transportation Advisory Committee

City Manager Francis presented Resolution 22-31 and read by title.

RESOLUTION 22-31 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, CREATING A CITY transportation ADVISORY COMMITTEE (TAC).

City Manager Francis said one of the reasons he is requesting the creation of an advisory Committee is because there are many new projects surrounding our City. It is important to get as many stakeholders involved at the beginning. He noted that the same rules apply. Mr. Francis said that the staff would send an alert to start the process for approval.

Comm Gold moved to adopt Resolution 22-31, creating a Transportation Advisory Committee. Comm Holihan seconded the motion, which passed unanimously upon roll call 7:0.

7. **Attorney's Report** – No report.

8. **City Manager's Report**

a. Issues Log

Mr. Francis gave an overview of the Issues Log dated November 1, 2022.

He informed the Council of the following.

- PD will start rapid enforcement on the Pedestrian crosswalks on Hoffner and Daetwyler to promote awareness and pedestrian safety. Council asked if a safety notice could be posted on the message boards.
- The City received an unsolicited offer for a turn-key operation for the building expansion. The staff is currently reviewing the proposal and will present it to Council for discussion.
- Mr. Francis asked if Council would be willing to continue placing the Council Meeting snipe signs to announce upcoming Council meetings around the City. Council requested that the message Boards be used before a Council meeting with the date and time.
- Mr. Francis spoke on a resident request regarding a strobe light on Lake Conway. The light should flash white during the day and red at night. The representative is working on a solution.
- Comm Carugno collaborated with a consultant from the Noise Abatement committee on a report for submittal to the ANAC Committee and GOAA. Mr. Francis called the ANAC committee and asked if all Mayors could sit on the GOAA Board moving forward. He noted that if the report receives no traction from the ANAC Board/GOAA, he will contact the City Lobbyists to contact FAA.
- Mr. Francis announced that Dereck Adkins, the Public Works Director, has resigned, and his last day will be November 14th.
- Mr. Francis announced the November 10th meeting regarding the proposed buildout of the Clarion Hotel – 339 Units-at the Pine Castle Woman's Club starting at 6 pm. Council asked if the City could draft a letter for the Mayor's signature opposing the project as a community.
- Staff is working on fixing the lights on the Nela Bridge.
- He reported substantial completion of the Sol project and said letters would be delivered to the surrounding residents.

b. Chief's Report

Chief Houston reported on the following,

- Chief Houston reported that Halloween Trick-o-Treaters were well-behaved, and the neighborhoods were very crowded. Council thanked all staff for their hard work in keeping the City safe.
- Boat ramps will be open in conjunction with Orange County openings.
- Police Advisory Board meeting on November 2, 2022, at 3 pm.
- The City has openings for Cross Guards and a Code Enforcement officer – spread the word!

c. Public Work's Report- No report.

9. **Mayor's Report**

Mayor Fouraker reported on the following,

- Metro Plan meeting is scheduled for Thursday, and he asked if the Vice Mayor would like to attend. He is not able to attend due to scheduling conflicts. Comm Partin agreed to participate in the Metro Plan meeting.

- Mayor Fouraker thanked the staff and all residents in the City for their generosity and support of the Halloween festivities for our children and visitors.
- Congratulations to the CCA Team's first season WIN.
- Mayor Fouraker said at the next meeting he would like to recognize Hurricane Ian heroes around the City; Acts of kindness.

10. Items from Council

Council thanked the City Manager for painting the roads around the school area. In promoting the GoGov app Council asked for the GoGov logo to place on the email signature.

Valeria Tocarruncho, Oak Ridge High School student, ask Council and the Belle Isle residents to sponsor a Coat Drive for Oak Ridge families. Chief Houston asked if the City could place it on Facebook and send an alert.

11. Adjournment

There being no further business, Mayor Fouraker called for a motion to adjourn. The motion passed unanimously at 8:00 pm.



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

Meeting Date: November 15, 2022

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: (First Reading) Ordinance 22-10 Amending BIMC Chapter 10, Chapter 18, Chapter 24, Chapter 30, and creating new code for condemnation

Background: In October, the City Council approved moving forward with several changes to the BIMC. At the November 1, 2022 meeting, Council directed Ord 22-10 be read for the second time. The ordinance changes include changes to Chapter 10 for grass and lot maintenance; Chapter 18 for Parks; Chapter 24 for dumpsters; Chapter 30 for notice and removal of vehicles.

Also created was a new code language in Chapter 10 for condemnation of dangerous structures. The City currently has a property that has been tagged by Universal Engineering placed “UNSAFE CONDITIONS” stickers on the entrance doors that prevents anyone from being in the house for any reason other than to repair the issues. The building envelope is compromised causing the debris and garbage (seen through windows) to rot and cause a health problem. The electricity to the residence was cut and there is no meter. The address is 3904 Arajo Ct. If adopted, this ordinance is adopted, the City can take action to condemn the property.

Staff Recommendation: Adopt Ordinance 22-10.

Suggested Motion: I move that adopt Ordinance 22-10.

Alternatives: Do not move the ordinance forward and provide additional changes to the ordinance.

Fiscal Impact: No fiscal impacts

Attachments: Ordinance 22-10

ORDINANCE NO. 22-10

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA MODIFYING CHAPTER 10 “ENVIRONMENT” BY CREATING ARTICLE VII “DILAPIDATED, DANGEROUS, DECAYED STRUCTURES AND APPURTENCES; AMENDING SECTION 10-153 “GRASS, LANDSCAPING AND LOT MAINTENANCE; AMENDING CHAPTER 18 “PARKS AND RECREATION”; AMENDING SECTION 24-41 “TEMPORARY CONSTRUCTION DUMPSTERS”; AMENDING SECTION 30-32 “NOTICE TO REMOVE” AND SECTION 30-36 “REMOVAL OF VEHICLE BY CITY FROM PROPERTY” OF THE CITY’S CODE OF ORDINANCES; AND PROVIDING FOR ENFORCEMENT, SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Belle Isle (the “City”) continues to be a vibrant and well maintained community; and

WHEREAS, this Ordinance furthers the interest of ongoing maintenance and enhancement of standards.

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

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

SECTION 2. City Code Created. Chapter 10 “Environment”, Article VII “Dilapidated, Dangerous, Decayed Structures and Appurtenances of the Belle Isle Code of Ordinances is hereby created as follows:

CHAPTER 10 – ENVIRONMENT

ARTICLE VII

DILAPIDATED, DANGEROUS, DECAYED STRUCTURES AND APPURTENANCES

Sec. 10-190. Definitions.

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

Abandoned improvements or structures means any work which has been commenced or completed on a site with a permit which has been expired for more than 180 days.

Approved means approved by the City Manager or other authority having jurisdiction.

Building means any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. The term "building" shall be construed as if followed by the words "or part thereof."

Building official means the officer or other designated authority charged with the administration and enforcement of building construction regulations within the city or their duly authorized representatives.

Condemned structure means one or more of the following:

- (1) Any structure which has been declared an unsafe structure by the building official and proper notice has been served by the city as required by law, and the owner has failed to file an appeal within the time provided for by law.
- (2) Any structure which has been declared an unsafe structure by the building official and proper notice has been served by the city as required by law, and an owner has filed appeal within the time provided for by law, and the appeal was denied.
- (3) Any structure which has been declared an unsafe structure by the building official, and proper notice has been served by the city as required by law, and an owner has prevailed in a duly filed appeal, and the owner has failed to take the action(s) required to abate the conditions as set forth by the board or entity who affirmed the appeal.

Owner means any person having a legal or equitable interest in the property.

Structure means that which is built or constructed and shall be construed to include the term "building."

Violation, major, means any violation which, if not corrected, would cause the structure to be condemned.

Violation, minor, means any violation of this Code, the adopted standard codes, or any state or federal law or regulation, specifically including, but not limited to, no water, no electric, or minor fire damage, which is not classed as a major violation.

Sec. 10-191. Enforcement; records.

The provisions of this article shall be enforced by the City Manager. The City Manager shall cause to be kept a record of the enforcement of this article. These records shall be public records.

Sec. 10-192. Standard code adopted.

There is adopted by the city for the purposes of establishing rules and regulations pertaining to or in any way related to any and all buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or unsafe service

systems the Standard Unsafe Building Abatement Code as published by SBCCI, and as such may be amended, modified or updated by SBCCI (the "abatement code"). The abatement code is adopted and fully incorporated herein as if fully set out at length in this section, save and except such portions as are deleted, added, modified or amended in this article. One copy of the abatement code is on file in the office of the building official. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the abatement code, or other provisions of the building and property maintenance regulations of the city. All repairs shall be performed in accordance with the Florida Building Code.

An unsafe structure or premises, or abandoned improvement or structure, shall mean and include any building, structure or property that has any of the following conditions, such that the life, health, property or safety of the general public or the occupants are endangered, specifically including any electrical, mechanical, plumbing, or gas system, in whole or in part, that has not been maintained in a safe and sanitary condition or violates a city code or ordinance or any state or federal law or regulation:

- (1) Any means of egress or portion thereof that is not of adequate size, or is insufficient in quantity or remoteness, or is not arranged or maintained to provide a safe path of travel to a public way or other safe area in case of fire or other emergency as determined by any authority having jurisdiction.
- (2) Any means of egress or portion thereof, such as but not limited to fire doors, closing devices, or fire resistive ratings, that are in disrepair or in a dilapidated, nonworking or compromised condition.
- (3) The stress in any material or member, or portion thereof, that is incapable of sustaining the loads to be imposed upon it.
- (4) A building or structure, or portion thereof, that has been damaged to the extent that the structural integrity of the building or structure is less than it was prior to the damage.
- (5) Any exterior appendage or portion of a building or structure that is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads.
- (6) Any building or structure, or portion thereof, that is manifestly unsafe for any reason or is unsanitary for the purpose for which it is, was, or will be intended to be used.
- (7) Any building or structure, or portion thereof, that, as a result of decay, deterioration, dilapidation, or other reason, is likely to fully or partially collapse.
- (8) Any building, structure or property, or portion thereof, that has been constructed or maintained in violation of a specific requirement of the standard code(s).
- (9) Any building, structure or property, or portion thereof, that is in such a condition as to constitute a public nuisance.
- (10) Any building, structure or property, or portion thereof, that is unsafe, unsanitary, or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life.
- (11) Any building, structure or improvement, or portion thereof, that commenced or was constructed under a permit which has been expired for more than 180 days.

Sec. 10.193. Condemnation—Authority.

The city shall have the authority and power to condemn and remove or cause to be removed all decayed, unsightly, dangerous and unlawful buildings, ruins, awnings, porches or structures within the corporate limits of the city.

Sec. 10-194. Same—Notice.

- (a) When there exists any unsightly, dangerous and unlawful building, structure, appurtenances of a building or when such may be constructed in violation of city ordinances, the building official or such other officer, employee or consultant who may be authorized by the city manager shall condemn the building, structure, appurtenances of a building.
- (b) Such officer shall file with the building official notice of such condemnation, which notice shall contain the following:
 - (1) The description of the building or structure condemned, together with the description by metes and bounds or by lot number of the property upon which such building or structure is located.
 - (2) The names of the occupants of the property and the names, places of residence, legal disabilities, if any, and interest of owners, if known, or if any of these facts are unknown it shall be so stated.
 - (3) The reason for condemning the building or structure.

Sec. 10-195. Same—Service of notice.

- (a) A copy of the notice shall be served upon the occupant of any unsightly and unlawful building or other structure and on the owner thereof, if known and residing in the city, together with a summons to appear before the city commission in not less than five or more than 30 days. The notice shall be served by the chief of police or any city police officer or by any other officer or employee who may be authorized by the city manager. However, if such persons reside in the state and beyond the limits of the city, such notice and summons shall be served by the sheriff of the county in which the person resides, in accordance with the rules governing service of process in the circuit court.
- (b) If the owners reside beyond the limits of the state, upon application by the city attorney, the building official shall make an order of publication of notice to all persons having any interest or right, whether as owners, lienholders, or otherwise, in such real estate, which notice shall be addressed to all whom it may concern, requiring them on a day certain, to be fixed in such order, not less than 30 or more than 50 days from the date of the first publication, to appear before the city commission to show cause, if any, why the order of condemnation made by the city building inspector should not be confirmed in all respects. Such notice shall be published for four consecutive weeks prior to the date fixed for such hearing, and a copy of the notice shall likewise be posted in a conspicuous place on the premises during the time of the advertisement of notice. If such order of publication shall be made and no appearance entered or protest is made to the confirmation of the order of condemnation, the owners of the property shall be forever foreclosed and barred of claiming any damage because of the destruction of the property described in the condemnation order.

Sec. 10-196. Conditions constituting hazards—Notice.

When there may be found to exist any condition of any building, land or premises or any condition in, upon or about any building, land or premises which constitutes or is likely to constitute a fire hazard or a hazard to the health, safety or welfare of the occupants or the public, (i.e., a public nuisance) the building official or such other authorized city officer, employee or consultant authorized and empowered shall file with the building official a notice which shall contain:

- (1) A description of the land, building, structure or premises in connection with which any such condition has been found to exist, which shall include, to the extent practicable, a description by metes and bounds or by lot number of such land.
- (2) The names of the occupants of the property, if any, and the names, places of residence, legal disabilities, if any, and interest of owners, if known, or if any of such facts are unknown it shall be so stated.
- (3) The condition found to exist, which constitutes a fire hazard or a hazard to the health, safety or welfare of the occupants or the public.
- (4) The matters and things required to be done to effect the removal or correction of such condition or structure; the removal of any weeds, debris, waste, rubbish, or flammable material; or the accomplishment of other corrective procedures.

Sec. 10-197. Same—Service of notice.

- (a) A copy of the notice shall be served upon the occupant of such land, building or premises and upon the owner thereof, if known and residing in the city, together with a summons to appear before the city commission at any regular or special meeting thereof not less than five or more than 30 days from the date of service of the notice. The notice and summons shall be served by the chief of police or any city police officer or by any other officer, employee or consultant who may be authorized by the city manager. However, if such person resides in the state and beyond the limits of the city, such notice and summons shall be served by the sheriff of the county in which the person resides, in accordance with the rules governing service of process in the circuit court. If the occupant of such building cannot be found in the city, it shall be sufficient service upon such occupant to post a copy of such notice and summons in some conspicuous place upon such building or other structure.
- (b) If the place of residence of the owner of such property cannot be determined or is found to be beyond the limits of the state, the city clerk shall make an order of publication of notice to all persons having any interest or right, whether as owners, lienholders, or otherwise, in such real estate. The notice shall be addressed to the owner by name, if known, and to all whom it may concern, requiring them on a day certain, to be fixed in such order, not less than 30 or more than 50 days from the date of the first publication of such notice, to appear before the city commission to show cause, if any, why the notice made and filed with the city clerk by the officer, employee or consultant making and filing the notice with respect to a hazardous condition found to exist and the matters and things set forth in the notice as being required to be done to remove or remedy such condition should not be confirmed in

all respects. The notice shall be published once a week for four consecutive weeks prior to the date fixed for such hearing. A copy of the notice shall be likewise posted in a conspicuous place on the premises during the time of the publication of the notice.

(c) If such order or publication shall be made and no appearance is entered or protest made to the confirmation of the notice filed with the city clerk with respect to such hazardous condition, the owner of the property and all persons having any interest or right therein, whether as lienholders or otherwise, shall be forever foreclosed and barred from claiming any damage because of the destruction or other disposition of the property described in the notice.

Sec. 10-198. Hearing; decision.

At the time fixed for the hearing required under this division, either in the summons or the order of publication, as the case may be, the city commission shall hear the cause and may sustain, reject or modify the action and recommendations of the officer, employee or consultant making and filing the notice with respect to the hazardous condition and shall order the removal, destruction, other disposition or repair of any such building or shall order such other matters or things to be done as may be necessary to remove or correct such hazardous condition, and shall order that such be done within such time as the city commission may determine.

Sec. 10-199. Enforcement of decision; costs.

Under this division, if any building or other structure is not removed or repaired as required in the order of the city commission or in the other matters and things required in the order for the removal or correction of such hazardous condition, the work may be done and performed by the city, and the costs and expenses thereof shall be a lien upon the property, which lien may be enforced by suit at law or proceeding in chancery.

Sec. 10-200. Public nuisances.

When nuisance conditions or hazards degenerate or cumulatively impact on structures, dwellings, or other buildings regulated by this Code, to the extent that repair, removal, securing or demolition is necessary for the public health, safety and welfare, then the building official or his designee is authorized to order the property owner or city agents to repair, remove, secure, vacate or demolish such structures according to procedures outlined in the abatement code or as otherwise provided for in the Code. These powers are hereby declared to be remedial and essential for the public interest, and it is intended that such powers be liberally construed to effectuate the purposes stated herein.

Sec. 10-201. Vacant buildings.

No vacant building may be boarded up for a period of time exceeding 60 days unless granted a waiver by the building official. "Exterior walls", and all boards used to enclose the building must be neatly fitted within window and door openings and must be painted to blend in with the rest of the building.

Sec. 10.202. Requirements not covered by code.

Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the building official.

SECTION 3. City Code Amended. Section 10-153 “Grass, Landscaping and Lot Maintenance” of the Belle Isle Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not included are not amended):

Sec. 10-153. Grass, landscaping and lot maintenance.

- (a) The following conditions are prohibited on any property zoned or used for residential purposes:
 - (1) The accumulation of rank growth of weeds, grass, invasive species, trees, plants or undergrowth in the condition that may serve to communicate fire or serve as a breeding place or harbor insects, rodents, snakes, vermin or other pests;
 - (2) Any property upon which ~~over one third of the vegetative~~ areas exceeds 12 inches in height above the ground. The height of vegetative matter shall be measured with a ruler or tape measure from grade level; and
 - (3) Any real property within the city with an area greater than 25 acres which is currently agriculture exempt at the tax assessor's office or platted conservation areas are not required to comply with vegetation height limits contained herein.
 - (4) This section does not apply to any property developed using “Florida Friendly Landscaping” as defined in F.S. 1373.185.

SECTION 4. City Code Amended. Chapter 18 “Parks and Recreation” of the Belle Isle Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not included are not amended):

CHAPTER 18 – PARKS AND RECREATION

Sec. 18-4. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverages means all beverages containing more than one percent of alcohol by weight as determined by measuring in accordance with F.S. § 561.01(4)(b).

Animals means cats, dogs, horses, any fowl or birds, or any living creatures within the jurisdiction of the park or recreation area.

Crossing means any crossing whether marked by a pavement or otherwise; the extension of any sidewalk space across any intersecting drive, street, highway.

Curb means any boundary of any street, road, avenue, boulevard, or drive, whether or not marked by a curbstone.

Park means and includes any area of public ground dedicated as a park or park land or held for the enjoyment of the public and managed, maintained, or under the jurisdiction of the City within or without the limits of the city which is under the city ownership or control. Boat Ramps are not considered parks.

Park attendant means any person employed by the city as a parks attendant to perform duties or tasks within the park and recreation areas.

Path means any footpath, walk, or any path maintained for pedestrians.

Pedestrian means a person afoot.

Permit means any written license issued by or under the authority of the city council permitting a special event or activity on park facilities.

Soliciting means persons selling goods or services by sample or taking orders for future delivery with or without accepting advance payment for the goods, and also means persons seeking any form of contributions.

Stopping or *standing*, when prohibited, means any cessation of movement of a vehicle occupied or not, except when necessary to avoid conflict with other traffic.

Traffic means pedestrians, vehicles, either singly or together, while in the confines of a park's jurisdiction.

Vehicle means any conveyance(~~except baby carriages and wheelchairs~~) including motor vehicles (except motorized wheelchairs), trailers of all types, campers, ~~tricycles, bicycles, pushcarts,~~ boats and boat trailers, recreational vehicles, or vehicles propelled by other than muscular power.

Vending means to sell, to dispose of by sale or trade.

~~Sec. 18-6. Animals and vehicles.~~

~~No person in a public park or recreation area shall:~~

- ~~(1) Cause or permit to run loose any animal.~~
- ~~(2) Tie or hitch an animal to any tree or plant.~~
- ~~(3) Bring or permit to be brought any pet or other animal except guide or personal care animals, as permitted by F.S. § 413.08.~~
- ~~(4) No person shall drive or operate any vehicle in any park except in designated parking areas.~~

- ~~(5) Park a vehicle on other than an established or designated parking area, and such shall be in accordance with posted directions thereof and with the instruction of any attendant who may be present.~~
- ~~(6) Leave a vehicle standing or parked in established parking areas or elsewhere in the park and recreation areas during hours when the park and recreation area is closed.~~
- ~~(7) Leave a bicycle in a place other than a bicycle rack when such is provided and there is space available.~~
- ~~(8) Ride a bicycle without reasonable regard to the safety of others.~~
- ~~(9) Leave a bicycle lying on the ground or paving or set against trees, or in any place or position where other persons may trip over or be injured by them.~~
- ~~(10) Wash any vehicle.~~

Sec. 18-6. - Domestic animals in parks and recreation areas.

- (a) No animals, other than dogs or cats, are permitted on park property unless a permit is applied for and obtained from the city manager to expressly authorize such animal(s). Dogs must be kept at all times on leashes no longer than eight feet, unless in an area specifically designated for off-leash activities (i.e. a dog park). All animal excrement must be properly cleaned up and properly disposed of by the owner or keeper of the animal.
- (b) No person shall bring into any park any animal that constitutes a safety hazard or detriment to the enjoyment of the area by the public.
- (c) No person having in charge or custody any dog or cat shall permit, allow or suffer such dog or cat to enter upon or remain within any playground or park area reserved for children or to enter any sandbox or play apparatus area.

Sec. 18-7. – Vehicles in parks and recreation areas.

- (a) No person shall drive or operate any vehicle in any park except in designated parking areas.
- (b) Park a vehicle on other than an established or designated parking area, and such shall be in accordance with posted directions thereof and with the instruction of any attendant who may be present.
- (c) Leave a vehicle standing or parked in established parking areas or elsewhere in the park and recreation areas during hours when the park and recreation area is closed.
- (d) Leave a bicycle in a place other than a bicycle rack when such is provided and there is space available.
- (e) Ride a bicycle without reasonable regard to the safety of others.

(f) Leave a bicycle lying on the ground or paving or set against trees, or in any place or position where other persons may trip over or be injured by them.

(g) Wash any vehicle.

(h) Special Exceptions:

(1) Golf Carts may be operated in Trimble Park on the designated pathway.

(2) Use of the parks for the purpose of demonstrating any vehicles (i.e., car shows) any person, association, organization, entity or group acting pursuant to a contract with the city or under a special event permit granted by the city.

Sec. 18-8. – Permits. General provisions.

(a) Application for permits.

(1) Applicants may be required to provide liability insurance if, in the sole discretion of the city manager, the requested use of the facility represents a significant risk of loss to the city.

(2) Parks and facility use permits will not be issued to persons under 18 years of age; youth groups must have an adult sponsor.

(3) The permittee listed on the park or facility use permit shall be considered the person or entity responsible for the conduct of the activities occurring during the event and shall be responsible for the condition of the park or facility after its use. All other conditions listed on the park or facility use permit shall apply.

(b) Permit fees for reserved use.

(1) The city is authorized to establish fees for reserved use of park, recreation and community facilities and to offset the cost to the public for additional services provided by the city in connection with such use.

(2) A fee will not be charged for use of a facility for city sponsored or co-sponsored programs or events.

(c) Standards for review of permit applications.

(1) The city manager shall approve an application for permit unless the city manager finds that any one or more of the following basis for denying a permit application exists:

(i) if the applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior permits issued to or on behalf of the applicant;

(ii) the application for permit (including any required attachments and submissions) is not fully completed and executed;

(iii) the applicant has not paid the required application fee with the application or has not paid the required user fee, indemnification agreement, insurance certificate, or security deposit within the times prescribed by the city;

(iv) the application for permit contains a material falsehood or misrepresentation;

(v) the applicant is legally incompetent to contract or to sue and be sued;

(vi) the applicant or the person on whose behalf the application for permit was made has on prior occasions damaged city property and has not paid in full for such damage, or has other outstanding and unpaid debts to the city;

(vii) a fully executed application for permit with priority for the same time and place has been received, and a permit has been or will be granted to another applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park or part hereof;

(viii) the use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the city and previously scheduled for the same time and place;

(ix) the application is in conflict with the facility reservation frequency restrictions under this chapter;

(x) the applicant has exhibited an inability or unwillingness to satisfy conditions of a permit;

(xi) the proposed use or activity is prohibited by or inconsistent with the classifications and uses of the park or part thereof designated pursuant to this chapter;

(xii) the use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the park, of city employees or of the public;

(xiii) the use or activity intended by the applicant would reasonably be calculated to incite violence, crime or disorderly conduct on the part of the participants;

(xiv) the use or activity intended by the applicant would reasonably be calculated to entail unusual, extraordinary or burdensome expense for supervision, maintenance, cleanup or police protection by the city; or

(xv) the use or activity intended by the applicant is prohibited by law, by this chapter or the Code of Ordinances.

(2) Under no circumstances shall the sex, age, race, religion, political views, or national origin of applicants, event coordinators or participants be used as a basis for denying a permit.

(3) Upon receipt of a fully executed and complete permit application, the city manager shall have 21 days to approve, approve with conditions or deny the permit application. If the 21-day application review period expires on a Saturday, Sunday or city observed holiday, the city manager shall be given until the following business day to take action on the applicable permit application. If a permit application is denied, the city manager shall explain to the applicant the city manager's reasons for denial.

(4) Applications for permits shall be processed in the order received; provided however, in the event more than one application is received for reservation of the same park or park facility during the review of a pending application(s), the city may give priority preference, first to an applicant that is a city resident or entity maintaining an office within the city's municipal boundaries, and second to an applicant with the fewest reservations of park facilities within the previous twelve-month period. The use of a particular park facility or part thereof shall be allocated based on the receipt of fully executed and complete application. Any amendment or revision of an application or permit shall for purposes of determining the priority of the application for permit, relate back to the original filing thereof; but the time in which the city manager shall approve, approve with conditions or deny the application for permit and serve notice of such denial shall be computed from the date of the amendment or revision.

(d) Conditions of permits.

(1) Permits will be issued under this article subject to such special regulations and instructions as may be prescribed by the city manager including, but not limited to:

a. Restrictions on the number and other designations of persons who may participate in such permitted activities.

b. Restrictions on the days of the week and the time of day that the particular facility may be used by the permittee.

c. Provisions for maintenance by the permittee of the sanitation, cleanliness, and appearance of the facility. At times, portable restrooms may be required for special events.

d. Provisions for security and the maintenance of law and order, including compliance with noise, parking, safety and other appropriate regulations. It is at the city's discretion to require security on the premises to enforce the policies of facility use. If security is deemed necessary, it is the responsibility of the user group or individual to reimburse the city for costs incurred in providing such security.

e. Restrictions on the installation of apparatus or modification in any manner, either temporary or permanent, by the permittee to a sports field or adjacent structures.

f. Requirements that all applicable fees shall be paid prior to use, unless other payment arrangements have been authorized.

g. Requirements that a certificate of insurance in accordance with subsection 18-8(e), naming the city as the additional insured, must be on file at the city prior to any permit being approved.

(2) By applying for and obtaining a permit, permittees agree to indemnify and hold the city and the city's officials, employees, and agents harmless from any and all claims for loss, injury or damage to any persons (including death or illness) and property whatsoever caused, in whole or part by the negligence of permittees and permittees' officers, directors, employees, members, participants, invitees, spectators and agents (or any combination thereof) in the exercise or use of such permit. Without limitation to the protections afforded to the city by foregoing sentence, the city may require a permittee to execute an indemnity and hold harmless agreement in a form acceptable to the city as a condition to a permit. Nothing in or required by this chapter is intended as or shall be construed as a waiver of the city's sovereign immunity protections.

(e) Liability insurance required for certain uses of city parks and facilities.

(1) The city shall require each large organized activity taking place at any city facility to have insurance for said activity. Permittee shall procure and maintain for the term of the permit insurance against claims for injuries to persons or damages to property which may arise from or in connection with the activities described hereunder performed by the permittee, his agents, representatives, or employees. Except where otherwise specified in this article, insurance shall be provided in an amount to be determined by the city manager, provided that such amount reflects a reasonable expectation of potential liability. Insurance is to be placed with insurers authorized to do business in the state and acceptable to the city. This may not apply for infrequent use; however, a one-time special event shall be subject to this requirement. For the purpose of this subsection (e)(1), the term "large organized activity" shall apply to sporting events and competitions, special events, exhibitions, shows, speaking engagements, celebrations, concerts, performances, camps, fairs, programs and other such activities involving the assembly of 100 or more participants, spectators or other persons at any city park or facility for a common purpose under the direction and control of a person or group of persons. The city manager is authorized to waive the requirement for liability insurance when the applicant for a use permit is a regular user of the facility or an established not-for-profit group and such user or group has no history of misusing the city's parks or facilities. The city manager is also authorized to require liability insurance for an activity when not specifically required above if, in his/her opinion, the proposed activity represents a significant risk to bystanders,

equipment or facilities, wildlife, or wildlife habitat. Nothing in or required by this chapter is intended as or shall be construed as a waiver of the city's sovereign immunity protections.

(2) The certificate of insurance, naming the city as the additional insured along with an endorsement, is to be submitted prior to permit authorization or execution of a negotiated use agreement. A 30-day written notice of cancellation clause is required.

(f) Challenge of permit decisions.

(1) City manager decisions. Any applicant or other aggrieved party in connection with a permit decision by the city manager or his/her designee made pursuant to this chapter may challenge such decision to the city council. A challenge to the city council of a city manager's or his/her designee's decision shall be valid only if such is submitted in writing to the city manager no later than 5:00 p.m. on the seventh day after the decision being challenged was rendered. Failure to timely submit a written challenge shall constitute a waiver of the right to challenge the decision. Upon receipt of a timely challenge, a hearing before the city council shall be scheduled to be conducted within 30 days. The time, date and location of the city council hearing on the challenge shall be noticed in the same manner as the city notices regular city council meetings. The city council shall conduct a hearing de novo and hear the testimony of witnesses and other evidence offered by the appealing party, city staff and other aggrieved persons and interested parties to the appeal. The city council may, in conformity with the city Code of Ordinances, reverse, or affirm, wholly or partly, or modify the decision of the city manager or his/her designee. The city council's determination on the challenge shall constitute the city's final determination of the matter.

(2) City council decisions. Any party aggrieved or adversely affected by the city council's decision on a challenge conducted pursuant to subsection (f)(1), may challenge such decision by filing a petition for writ of certiorari as provided by the Florida Rules of Appellate Procedure in the Circuit Court of Orange County. The petition for writ of certiorari shall be filed within 30 days of the rendition of the city council's decision, or the right to challenge the decision is waived. The court shall not conduct a trial de novo, but shall be limited to reviewing whether the decision was supported by competent substantial evidence in the record, the essential elements of the law were followed and due process was afforded. The proceedings before the city council, including applicable city ordinances, rules and regulations, testimony of witnesses, and any exhibits and documents filed before it, shall be the subject of review by the circuit court. The person filing the petition for certiorari shall be responsible for filing with the circuit court a true and correct transcript and the complete testimony of the witnesses from the city council hearing or meeting in which the decision was rendered. Any aggrieved person may intervene as a respondent in the certiorari proceeding authorized by this section.

Sec. 18-9. - Use permits—Recreation facilities. {Unclear what they wish to do with the existing 18-9}

(a) Negotiated agreements for recurring use. Regardless of any restrictions to the contrary, nothing in this article shall prohibit the city from entering into a negotiated agreement with any

person or organization for recurring use of a city recreation facility in return for renovation or maintenance of the facility, provision of a particular recreation program, or similar consideration. Such agreements shall require the approval of the city council.

(b) Permit required for reserved use. Except as provided in subsection 18-9(a), reserved use of recreation facilities shall require obtaining a use permit in accordance with section 18-8 of this chapter. Applications for recreation facility use permits shall be submitted no less than two weeks in advance of the date of the activity and no more than two months in advance.

(c) Prohibited activities.

(1) No act prohibited by section 18-13 of this article shall be permitted in city recreation facilities, including the sale or consumption of alcoholic beverages.

(2) No person shall conduct or participate in any sport or in any organized athletic activities within any recreation area other than in such areas as may be designated for such sports, games or athletic activities, or in any areas where the city has posted signs prohibiting such activities.

(d) Sales and commercial uses. Authorized user groups which desire to use concession stands or other facilities for fund raising purposes shall be allowed to do so subject to policies and fee requirements contained herein. Proposed uses which are determined by the city to be solely a commercial undertaking and without educational, recreational or cultural benefit to the community shall not be allowed on the premises of recreational facilities.

(e) Denial of facility use. The city shall have the authority, based on cause, to deny use of all or any portion of a recreational facility to any group or individual who has abused the privilege of facility use, including failure to comply with the general policies and rules governing the use of city parks and recreation facilities.

~~Sec. 18-12. -- Alcoholic beverages, controlled dangerous substances, alms, gambling. While in a public park or recreation area, all persons shall conduct themselves in a proper and orderly manner, and in particular, no person shall:~~

- ~~(1) — Bring alcoholic beverages in unsealed containers or controlled dangerous substances, drink or use same at any time nor shall any person be under the influence of a controlled dangerous substance in a park or recreation area.~~
- ~~(2) — Solicit alms or contributions for any purpose, whether public or private.~~
- ~~(3) — Play, engage or take part in any game or competitive sport for money, or other valuable thing.~~

~~Sec. 18-13. Miscellaneous conduct.~~

~~No person in a park or recreation area shall:~~

- ~~(1) Set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as house trailer, camp trailer, camp wagon, or the like except in areas designated for those purposes.~~
- ~~(2) Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, horseshoes, quoits, or model airplanes except in those areas designated for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and lacrosse is prohibited except on the field and courts or areas provided therefor. Rollerskating and skateboards shall be confined to those areas specifically designed for such pastimes.~~
- ~~(3) Enter an area posted as "closed to the public" nor shall any person use, or abet in the use of any area in violation of posted notices.~~
- ~~(4) Fail to produce and exhibit any permit such person claims to have upon request of any authorized person who shall decide to inspect the same for the purpose of enforcing compliance with any ordinance or rule.~~
- ~~(5) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.~~
- ~~(6) Erect or occupy any tent, stand or other structure in any park or playground, or sell or give away from any such tent, stand or other structure any food, drink or other thing, without written permission.~~

Sec. 18-13 - Prohibited acts in city parks and facilities.

It shall be unlawful for any person using city parks and facilities to either perform or allow the performance of any of the following acts, unless such activity is authorized, permitted or supervised by the city:

(a) *Damaging property.* No person shall willfully mark, deface, damage, displace, remove or tamper with any park or facility buildings, tables, benches, fireplaces, railing, paving or paving materials, water lines or other utilities, permanent or temporary signs, placards or notices, monuments, stakes, posts, boundary markers or other structures, equipment or parks or recreation property.

(b) *Improperly using park structures, equipment and furniture.*

(1) No person over the age of 14 years shall trespass upon or play upon or use the playground equipment at any city park other than equipment designated for adult use; however, parents, guardians, and other bona fide caretakers over the age of 14 shall have limited access to playground equipment for the purposes of supervising the use of such equipment by children under their care.

(2) No person shall lie or otherwise be in a horizontal position on a table or bench intended for use by the general public.

(3) No person may erect signs or affix signs to any tree, post, or park facility or grounds, except for city representatives or other individuals authorized by the city to do so.

(4) No person may drive, putt, or otherwise hit a golf ball or throw javelins or other missile type objects except in areas specifically designated for such purposes by the city manager.

(5) No person shall sleep, loiter or prowl in bushes, shrubs, or other foliage located within the parks.

(6) The city manager may develop and post additional safety rules and regulations particular to each facility.

(c) *Polluting waters.* No person shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, canal, pond or lake or any storm sewer or drain flowing into such waters any substance, matter or things, liquid or solid, which will or may result in the pollution of such waters.

(d) *Damaging plants.* No person shall damage, cut, carve, transplant or remove any tree or plant, or grass area, or injure the bark or pick the flowers or seeds of any tree or plant, nor shall any person attach any rope, wire, sign or other contrivance to any tree or plant.

(e) *Harming or molesting animal life.* No person shall molest, harm, frighten, kill, trap, hunt, chase, capture, shoot or throw missiles at any mammal, bird, reptile or amphibian; nor shall any person remove or in any way harm the eggs, nest or young of any mammal, bird, reptile or amphibian. Fishing shall be permitted in accordance with [section 18-16](#) of this article.

(f) *Littering.* No person shall bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other litter, or place refuse or litter in any waters in or contiguous to any park or facility, or anywhere on the grounds thereof, except for within those receptacles provided by the city and designated for such purposes.

(g) *Igniting fires.* No person shall ignite or attempt to ignite any fire against or on any vegetation or park or facility structure, except in city provided fireplaces or grills when used for cooking. Persons are permitted to use a personal grill of type approved by the city manager or his/her designee in a designated area; provided that such persons accept responsibility for proper off-site disposal of all charcoal, wood chips or other cooking materials after such use.

(h) *Operation of vehicles.* Operation of vehicles shall be according to [section 18-7](#) of this article.

(i) Possessing or consuming alcoholic beverages. No person shall sell, possess or consume alcoholic beverages, including beer or wine; provided, however, the city council may approve the sale or consumption of alcoholic beverages in a city park or facility in conjunction with the issuance of a special event permit when possession and consumption is specifically authorized by permit or license of the state division of alcoholic beverages and tobacco.

(j) Fireworks. No person shall possess, carry or ignite fireworks or sparklers in any city park or facility, unless authorized as part of a city sponsored or authorized event such as a Fourth of July celebration or similar community celebration. The terms "fireworks" and "sparklers" shall have the same meaning as such terms are defined by F.S. § 791.01.

(k) Gambling. No person shall conduct in any city park or facility any card game for money or any other game for money or participate in any form of betting or gambling as defined in Florida Statutes. A drawing for chance conducted by a charitable or non-profit organization may be conducted only in accordance with F.S. § 849.0935.

(l) Vending, soliciting, advertising, etc. No person shall practice, carry on, conduct or solicit for any occupation, business, or profession in any city park or facility; or sell or offer for sale any food, beverage, merchandise, article, or anything whatsoever in any park or facility. No person shall beg or solicit contributions. This paragraph shall not apply to any person, association, organization, entity or group acting pursuant to a contract with the city or under a special event permit granted by the city.

(m) Operating amplified sound equipment. No person shall install, use, and operate within a park amplified sound equipment for the purposes of giving instructions, directions, talks, addresses, or lectures, or for transmitting music to any persons or groups of persons in any park, or in the vicinity thereof, except when installed, used, or operated in compliance with a special event permit issued by the city and when operated in accordance with terms of the permit. This paragraph shall not apply to the use of a loudspeaker or other amplified sound equipment that might be used on an athletic field during an athletic competition or other event sponsored by a school or community organization or when amplified sound equipment is authorized by a negotiated agreement with the city.

(n) Launching or operating aircraft, radio-controlled model airplanes, etc. No person shall launch or operate any aircraft, including but not limited to, drones, hot air balloons, airplanes, ultralights, helicopters and gliders except in areas or at times specifically designated for this purpose by special permit issued by the city manager.

(o) Camping. No person shall camp in a city park or recreation area except at such times and places as may be designated by the city manager and except pursuant to a special permit issued by the city.

(p) Erecting structures. No person shall construct or erect any tent, building, shed, shelter or structure of whatever kind, whether permanent or temporary in character, or run or string

any public service utility into, upon, or across a city park or recreation area except as authorized by the city manager or his/her designee.

(q) Endangering the public. No person shall endanger the safety of any person or group by any conduct or act or by any failure to observe the rules established by this article.

(r) Interfering with use of the park by others. No person or group shall prevent any other person or group from using any park or any of its facilities, or interfere with such use in compliance with this article and with the rules applicable to such use. Conducting activities authorized by a reserved use or special event permit issued pursuant to this article shall not constitute a violation of this section.

(s) Lewd or lascivious acts and sexual activity. No person shall engage in a lewd or lascivious act or sexual activity in a city park or facility.

(t) Sanitation. No person shall discharge or otherwise deposit human wastes in a city park or facility, except in appropriate toilet facilities provided by the city for such purposes. Furthermore, no person shall shave or shower in any city park or facility except in appropriate bathing facilities provided by the city for such purposes.

Sec. 18-20. Perkins Boat Ramp.

(a) *Rules and regulations.*

- (1) The city shall issue city residents an annual parking decal for a fee, to be established and modified as deemed necessary by the city council, to be affixed to vehicles attached to watercraft trailers, for parking at the Perkins Boat Ramp. Only vehicles with current parking decals will be permitted to park at the ramp facility.
- (2) The city council shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown.
- (3) Rules and regulations specific to the use of the Perkins Boat Ramp shall be posted at the facility and may be modified, as deemed necessary, by the city council.
- (4) Fines for violations of the posted rules shall be assessed. Such fines may be modified, as deemed necessary, by the city council.
- (5) The specific rules and regulations adopted for the Perkins Boat Ramp shall be in addition to any and all other applicable provisions of this chapter and the entire Code.

(b) *Fines and penalties.* In addition to any and all other applicable provisions of this chapter and the entire Code, the following fines and penalties are hereby imposed for violations of rules as stated below. The city council may modify the fines and penalties as they deem necessary by resolution of Council. Any fine adopted or updated by a Council resolution shall supersede any fine posted at the ramp or listed below.

- (1) Vehicles without valid decals affixed will be ticketed: Fine ~~\$100.00~~ \$250.00.
- (2) No glass containers: Fine \$25.00.

- (3) No fueling of watercraft: Fine \$250.00.
- (4) No operation of engines when not in water: Fine \$25.00.
- (5) Trailers without winches prohibited: Fine \$50.00.
- (6) Not using a winch to load vessels onto trailers (power loading): Fine \$50.00.
- (7) Any use of ramp area for base of watercraft operations is strictly prohibited: Fine \$25.00.
- (8) Parking restricted to vehicles with trailers: Fine \$150.00.

Sec. 18-21. Venetian Boat Ramp.

(a) Rules and regulations.

- (1) Rules and regulations specific to the use of the Venetian Boat Ramp shall be posted at the facility and may be modified, as deemed necessary, by the city council.
- (2) Fines for violations of the posted rules shall be assessed. Such fines may be modified, as deemed necessary, by the city council.
- (3) The specific rules and regulations adopted for the Venetian Boat Ramp shall be in addition to any and all other applicable provisions of this chapter and the entire Code.

(b) Fines and penalties. In addition to any and all other applicable provisions of this chapter and the entire Code, the following fines and penalties are hereby imposed for violations of rules as stated below. The City Council may modify the fines and penalties as they deem necessary by resolution of Council. Any fine adopted or updated by a Council resolution shall supersede any fine posted at the ramp or listed below.

- (1) No glass containers: Fine \$25.00.
- (2) No fueling of watercraft: Fine \$250.00.
- (3) No operation of engines when not in water: Fine \$25.00.
- (4) Trailers without winches prohibited: Fine \$50.00.
- (5) Winch Vessels onto trailers: Fine \$50.00.
- (6) Any use of ramp area for base of watercraft operations is strictly prohibited: Fine \$25.00.

Sec. 18-2122. Violations and penalties. (Changes from 18-21 to 18-22 if above is added)

Any person violating any of the provisions of this chapter or any rule or regulation promulgated pursuant hereto shall, upon conviction, be subject to the replacement, repair or restoration of any damaged park property or recreation area property, and shall be subject to the penalties of section 1-12.

SECTION 5. City Code Amended. Section 24-41 “Temporary Construction Dumpsters” of the Belle Isle Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not included are not amended):

Sec. 24-41. Temporary construction dumpsters.

- (a) No person shall place or service a dumpster or roll-off container on residential property for the collection and removal of demolition, construction, or remodeling refuse within the city unless granted the authority and exclusive franchise by the city. All solid waste companies (franchisees) must register with the City clerk’s office and execute a franchise agreement prior to leasing dumpsters in the City.
- (b) The franchisee shall be subject to the following operating requirements:
 - (1) No temporary construction dumpster or roll-off container shall be placed on a residential property unless the property owner has first obtained a building or city permit and the dumpster shall remain on the property only so long as the building permit is current.
 - (2) The franchisee shall be responsible for promptly responding to any and all complaints which involve actions that create a nuisance or have the potential to create a nuisance.
 - (3) The franchisee shall handle all collection and removal of debris and refuse from dumpsters and roll-off containers with reasonable care and shall clean up all materials that are spilled during its collection operations.
 - (4) The franchisee shall placed the dumpster or roll-off container so as not to obstruct any right-of-way, and shall be set back a minimum of five feet from any property line.
 - (5) The franchisee shall provide only dumpsters and roll-off containers that are good repair so as to prevent leakage of materials ~~and shall remove the collected debris and refuse as necessary to prevent overflow of material from the dumpster or roll-off container.~~
 - (6) The franchisee shall make a cover available to prevent weather from scattering debris, from accumulating water in the dumpster, and to prevent animals or humans from climbing in the dumpster.
 - (7) The franchisee shall remove the collected debris and refuse as necessary to prevent overflow of material from the dumpster or roll-off container.
 - (8) The franchisee shall provide to the city, each month, all locations where it has placed or is servicing any dumpsters within the city and the name of the property owner.
 - (9) The franchisee shall have sole responsibility for the billing and collection of service fees and shall, on a quarterly basis, pay to the city a franchise fee in an amount to be determined by the franchise agreement.
 - (10) Failure by the franchisee to comply with any of these operating requirements may result in the rescission of the franchise by the city.

SECTION 6. City Code Amended. Section 30-32 “Notice to Remove” and Section 30-36 “Removal of Vehicle by City from Property” of the Belle Isle Code of Ordinances are hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not included are not amended):

Sec. 30-32. Notice to remove.

- (a) Public Property: The police department is hereby authorized to remove or cause to be removed, by any towing service authorized by the city, any vehicle from any street, road right-of-way, parkway, or other public parking area to a safe place of storage at the cost of the owner under the following circumstances.
 - (1) When any vehicle is parked in violation of any provision of this chapter which prohibits the parking of vehicles at the place where or at the time when the vehicle is found.
 - (2) When any vehicle, the continued presence of which, because of the physical location or condition of the vehicles, poses a danger to the public safety or to the motor vehicle.
 - (3) When any vehicle is left unattended upon any street for any period of time longer (48) hours in any residential district or commercial district. The words "unattended vehicle" as used in this subsection shall mean a vehicle not owned by or in possession of the owner or legal occupant of the property adjacent to the right-of-way upon which the vehicle is parked.
 - (4) When a vehicle upon a street or right-of-way is so disabled as to constitute an obstruction to traffic, or the person in charge of the vehicle is, by reasons of physical injury or condition, incapacitated to such extent as to be unable to provide for its custody or removal.
 - (5) When any vehicle is a stolen vehicle or is subject to seizure and forfeiture under the laws of this state, or of the United States, or is subject to being held for use as evidence in a criminal trial.
 - (6) When any vehicle is parked on any city owned or leased parking facility or area designated for use in connection with the City Hall or other municipal property in violation of the posted signs and time permitted uses.
 - (7) When any vehicle, on at least two (2) prior occasions occurring within any twelve-month period, has been found stopped, standing, or parked in any place within the city limits in violation of this article and whose registered owner has failed or refused to respond to prior parking violation notices for such offenses, and shall be again found parked in any place within the city limits in violation of any provisions of this article. Release of the vehicle shall only be permitted upon payment of outstanding civil penalties, fees, and other related costs.
 - (8) When any vehicle is parked in a location which interferes with the passage of public safety vehicles.

Whenever a wrecked, junked or abandoned vehicle is parked, stored, or left upon public property in violation of this section, the enforcement officer shall post, in a conspicuous place, upon the vehicle the following form:

"NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY:

"THIS PROPERTY, TO-WIT: (SETTING FORTH BRIEF DESCRIPTION) IS UNLAWFULLY UPON PUBLIC PROPERTY KNOWN AS (SETTING FORTH BRIEF DESCRIPTION OF LOCATION) AND MUST BE REMOVED WITHIN ~~TEN-DAYS~~ (48) HOURS FROM THE DATE OF THIS NOTICE; OTHERWISE IT SHALL BE PRESUMED TO BE ABANDONED PROPERTY AND WILL BE REMOVED AND DESTROYED BY ORDER OF THE CITY OF BELLE ISLE WITH THE COST OF REMOVAL ASSESSED AGAINST THE VEHICLE OWNER. FAILURE TO COMPLY WILL RESULT IN A CRIMINAL CHARGE AGAINST THE VEHICLE OWNER. IF YOU DESIRE A HEARING UPON THIS MATTER, YOU MUST REQUEST ONE BY NOTIFYING THE ENFORCEMENT OFFICER, EITHER ORALLY OR IN WRITING, WITHIN THE TEN-DAY PERIOD OF COMPLIANCE PRESCRIBED HEREIN. BY ORDER OF THE CITY OF BELLE ISLE, BELL ISLE CITY CODE, CHAPTER 30, ARTICLE II, DATED THIS _____ DAY OF _____, 20____ (SETTING FORTH THE DATE OF POSTING OF NOTICE)

SIGNED: (SETTING FORTH NAME, TITLE, ADDRESS AND TELEPHONE NUMBER OF ENFORCEMENT OFFICER)"

Such notice shall be not less than eight by ten inches and shall be sufficiently weatherproof to withstand normal exposure to the elements.

- (b) *Private property.* Whenever the enforcement officer shall find any wrecked, junked or abandoned vehicle placed, parked, or stored in violation of this article on private property within the city, the enforcement officer shall give written notice to the owner, tenant, occupant, or lessee of the property upon which such vehicle is located of the intention of the city to impound and dispose of such vehicle as provided in this section. The written notice required by this section shall be deemed to have been served if:
 - (1) A copy thereof is personally delivered to the party to be notified;
 - (2) A copy is left at the party's usual place of abode with some person of the family above 15 years of age and informing such person of the contents thereof;
 - (3) A copy is mailed by either registered or certified United States mail with return receipt requested; or
 - (4) A copy is attached to the vehicle if the whereabouts of the party to be notified is unknown.

The clerk of the city shall serve, or cause to be served, such written notice of removal, as required by this section, upon the owner, tenant, occupant, or lessee of the private property where the vehicle is located at least ten days prior to the time of compliance. If the name of such party or such person's place of residence or post office address cannot be ascertained after diligent search and inquiry, or in the event a notice sent by either registered or certified mail shall be returned undelivered, it shall constitute sufficient notice when a copy of the same is posted in a conspicuous place either upon the private property on which the vehicle is located, or upon the vehicle itself, advising the owner and all persons interested in the vehicle of the intention of the city to impound and dispose of such vehicle. Such notice shall not be less than eight inches by ten inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. The notice shall contain a demand for removal

within the time specified by this article, and the notice shall advise that upon failure to comply with the notice to remove, the city or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property and/or vehicle owner, and that the city or its designee shall cause to have filed a criminal charge against such owner or occupant. Such notice shall be substantially in the following form:

"NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY:

"THIS PROPERTY, TO-WIT: (SETTING FORTH BRIEF DESCRIPTION) LOCATED AT (SETTING FORTH BRIEF DESCRIPTION OF LOCATION) IS UNLAWFULLY STORED AND IN VIOLATION OF BELLE ISLE CITY CODE CHAPTER 30, ARTICLE II, AND MUST BE REMOVED WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE; OTHERWISE, IT SHALL BE PRESUMED TO BE ABANDONED PROPERTY AND WILL BE REMOVED AND DESTROYED BY ORDER OF THE CITY OF BELLE ISLE WITH THE COST OF REMOVAL ASSESSED AGAINST THE VEHICLE OWNER, AND/OR OCCUPANT OR OWNER OF THE PROPERTY UPON WHICH SAID VEHICLE IS LOCATED. FAILURE TO COMPLY WITH THIS NOTICE OF REMOVAL WILL RESULT IN A CRIMINAL CHARGE AGAINST THE VEHICLE OWNER, AND/OR OCCUPANT OR OWNER OF THE PROPERTY UPON WHICH SAID VEHICLE IS LOCATED. IF YOU DESIRE A HEARING UPON THIS MATTER, YOU MUST REQUEST ONE BY NOTIFYING THE ENFORCEMENT OFFICER, EITHER ORALLY OR IN WRITING, WITHIN THE TEN-DAY PERIOD OF COMPLIANCE PRESCRIBED HEREIN. BY ORDER OF THE CITY OF BELLE ISLE, BELLE ISLE CITY CODE, CHAPTER 30, ARTICLE II, DATED THIS _____ DAY OF _____, 20__ (SETTING FORTH DATE OF POSTING OF NOTICE)

"SIGNED: (SETTING FORTH NAME, TITLE, ADDRESS AND TELEPHONE NUMBER OF ENFORCEMENT OFFICER)"

(c) Release of any vehicle shall only be permitted after verification of payment by the Belle Isle Police Department was made for all outstanding civil penalties, fees, tickets, and other related costs.

Sec. 30-36. Removal of vehicle by city from property.

Members of the police department of the city are hereby authorized, but are not required, to have immediately removed any vehicle from any street or alley or other public place within the city by the city's authorized towing service under the following circumstances:

- (a) When such vehicle is in violation of any portion of this chapter.
- (b) When a vehicle upon a street or alley is:
 - (1) Disabled or when the person in charge of the vehicle is by reason of physical injury or condition incapacitated to such an extent as to be unable to provide for its custody or removal and the vehicle is obstructing traffic or otherwise creating a safety hazard.
 - (2) Disabled, abandoned, or otherwise left in a manner obstructing traffic or otherwise creating a safety hazard.

- (3) Stolen, subject to forfeiture, being held as evidence or contains evidence in a criminal investigation, or the driver is being arrested and the arresting officer decides to remove the vehicle from the location to protect the vehicle from potential damage.
- (c) When any vehicle is parked on any municipal parking facility or area designated or used in connection with city hall, the police station or other municipal property of the city in violation of the posted signs and the permitted uses.
- (d) When any motor vehicle remains stopped or parked on any property owned or controlled by the city not designated for parking; longer than allowable posted times; overnight; or in a manner endangering the safety and security of any property owned or controlled by the city. If the towing is due to a security concern, and such concern is ultimately determined to be unfounded, the chief of police reserves the right to waive any tow fee.
- (e) Storage, cost and removal of impounded vehicles.
 - (1) When a vehicle is removed under this chapter, notice of storage and costs shall be sent to the vehicle owner within seven days via certified mail, return receipt requested, pursuant to the provisions of F.S. § 713.78.
 - (2) Owner responsibility. The cost of towing, or removing a vehicle impounded or immobilized under this section and the cost of storing the same or removing the immobilization device, shall be chargeable against the vehicle owner and a lien shall be placed upon the vehicle. Before the release of the vehicle, the owner of the vehicle shall pay these charges and any outstanding parking tickets, administrative delinquency or collection fees owed. The vehicle shall be stored in a private place and the towing and/or storage charges shall be set by the private towing company. All of such charges shall be the responsibility of the vehicle owner.
- (f) Notice to vehicle owner.
 - (1) Upon taking possession of any vehicle, as provided in this section, the towing company shall follow guidelines set forth in F.S. § 715.05 regarding notification of owner, upon towing or removing a motor vehicle.
 - (2) Notification shall be by certified mail, return receipt requested, and shall notify the owner and all lien holders of the location of the vehicle and the fact that it is unclaimed. Notice shall be given within seven days excluding Saturdays and Sundays, from the date of storage and shall be complete upon mailing.
- ~~(a) If at the end of ten days after posting the notice provided for in this article, the owner or any person interested in the abandoned, wrecked or junked vehicle described in such notice has not removed the vehicle from the property at the location described in such notice, or has failed to show reasonable cause for failure to do so, the enforcement officer may cause the vehicle to be removed and disposed of or destroyed, and the salvage value, if any, of such vehicle shall be retained by the city clerk of the city to be applied against the cost of removal and disposition or destruction thereof. Additionally, the clerk of the city shall notify the county sheriff's department of the violation for the purpose of obtaining service on the owner of a notice to appear in court pursuant to Rule 3.125, Florida Rules of Criminal Procedure. It shall be unlawful for any person to interfere with, hinder, or refuse to~~

~~allow such person authorized by the enforcement officer to enter upon private property for the purpose of removing a vehicle under the provisions of this article.~~

~~(b) When an abandoned, junked, or wrecked vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway by a towing service may be authorized by order of the enforcement officer.~~

SECTION 7. Codification. Sections 2-6 of this Ordinance will be incorporated into the Belle Isle City Code. Any section, paragraph number, letter, and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance or the City Code may be freely made.

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

SECTION 9. Conflicts. If a conflict arises between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of such conflict, as permitted under the law.

SECTION 10. Effective date. This Ordinance will become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.

FIRST READING: _____, 2022

SECOND READING: _____, 2022

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

CITY COUNCIL
CITY OF BELLE ISLE

Nick Fouraker, Mayor

ATTEST:

Yolanda Quiceno, City Clerk

Date



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

Meeting Date: November 15, 2022, 2022

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Resolution 22-32, Budget Amendments

Background: The resolution adjusts the final budget lines for the FY 21-22 Budget. These changes were based on expenditures that the City Council approved during the budget year that were not in the previous budget amendment and accounts for additional revenues received that were not previously budgeted.

Staff Recommendation: Approve Resolution 22-32 amending the FY21-22 Budget

Suggested Motion: I move that we approve Resolution 22-32.

Alternatives: None

Fiscal Impact: See Attachment to the resolution

Attachments: Resolution 22-32

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RESOLUTION NO. 22-32

A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022, PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Resolution 21-20, the City of Belle Isle adopted the budget for fiscal year 2021-2022; and

WHEREAS, the City of Belle Isle has determined that the Budget for FY 2021-2022 should be amended; and

WHEREAS, Section 166.241(4)(c) Florida Statutes require such a budget amendment to be adopted in the same manner as the original budget.

Now, therefore, the City Council of the City of Belle Isle, Florida hereby resolves:

Section 1. The budget for the City of Belle Isle, Florida for fiscal year 2021-2022 is hereby amended by Attachment "A". The Attachment is hereby incorporated into this Resolution by reference thereto.

Section 2. This Resolution shall take effect upon its adoption.

Adopted by the City Council on this 15th day of November, 2022.

NICHOLAS FOURAKER, MAYOR

Attest: _____
Yolanda Quiceno, CMC-City Clerk

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Approved as to form and legality
City Attorney

STATE OF FLORIDA
COUNTY OF ORANGE

I, YOLANDA QUICENO, CITY CLERK OF THE CITY OF BELLE ISLE, FLORIDA, do hereby certify that the above and foregoing Resolution No. 22-32 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 November 2022.

Yolanda Quiceno, CMC-City Clerk

ATTACHMENT A
CITY OF BELLE ISLE
FY 2021-2022
BUDGET AMENDMENT #3
RESOLUTION# 22-32

a.

Account Id	Account Description	ORIGINAL BUDGET 2021/2022	RESOLUTION# 22-10 BA#1	RESOLUTION# 22-16 BA#2	RESOLUTION# 22-32 BA#3	AMENDED BUDGET 2021/2022	REF#
GENERAL FUND 001							
BEGINNING FUND BALANCE		3,000,000	224,790	(26,534)	-	3,198,256	
REVENUES							
001-311-100	AD VALOREM TAX	3,684,899	-	-	-	3,684,899	
001-312-410	LOCAL OPTION GAS TAX	226,000	-	-	-	226,000	
001-314-800	UTILITY SERVICE TAX - PROPANE	5,500	-	-	-	5,500	
001-315-000	COMMUNICATIONS SERVICES TAXES	189,000	-	-	-	189,000	
001-316-000	BUSINESS TAX LICENSES	12,000	-	-	-	12,000	
001-322-000	BUILDING PERMITS	150,000	-	-	-	150,000	
001-323-100	FRANCHISE FEE - ELECTRICITY	250,000	-	-	-	250,000	
001-323-700	FRANCHISE FEE - SOLID WASTE	60,000	-	-	26,665	86,665	(A)
001-329-000	ZONING FEES	25,000	-	-	-	25,000	
001-329-100	PERMITS - GARAGE SALE	100	-	-	-	100	
001-329-130	BOAT RAMPS - DECAL AND REG	1,800	-	-	-	1,800	
001-329-900	TREE REMOVAL	0	-	-	-	0	
001-362-000	RENTAL LICENSES	18,000	-	-	-	18,000	
001-331-120	FDOT REIMBURSEMENT	0	-	-	-	0	
001-331-900	ARPA - CORONAVIRUS LOCAL FISCAL RECOVERY	498,693	238,147	-	(511,840)	225,000	(B)
001-334-201	FDOT UNF HIGH VISABILITY ENFORCEMENT	0	-	3,964	-	3,964	
001-334-396	OJP BULLETPROOF VEST GRANT	0	-	-	-	0	
001-334-560	FDLE JAG GRANT	0	10,989	-	-	10,989	
001-334-565	FDLE CESF/CERF FUNDING	0	24,063	-	-	24,063	
001-335-120	STATE SHARED REVENUE	344,000	-	-	71,591	415,591	(A)
001-335-150	ALCOHOLIC BEVERAGE LICENSE TAX	0	-	-	-	0	
001-335-180	HALF-CENT SALES TAX	1,100,000	-	-	283,530	1,383,530	(A)
001-337-200	SRO - CHARTER CONTRIBUTION	74,296	-	-	-	74,296	
001-337-205	CHARTER SCHOOL INSURANCE CONTRIBUTIONS	59,983	-	-	-	59,983	
001-341-900	QUALIFYING FEES	0	-	-	-	0	
001-343-410	SOLID WASTE FEES - RESIDENTIAL	652,836	-	-	-	652,836	
001-347-400	SPECIAL EVENTS	6,000	3,500	1,000	-	10,500	
001-351-100	JUDGEMENT & FINES - MOVING VIOLATIONS	20,000	-	-	70,000	90,000	(A)
001-351-110	RED LIGHT CAMERAS	390,000	-	-	-	390,000	
001-354-000	JUDGEMENT & FINES - LOCAL ORDINANCE VIOL	0	-	-	-	0	
001-359-000	JUDGEMENT & FINES - PARKING VIOLATIONS	7,500	-	-	-	7,500	
001-359-200	INVESTIGATIVE COST REIMBURSEMENT	0	-	-	-	0	
001-361-100	INTEREST - GENERAL FUND	500	-	-	-	500	
001-361-200	INTEREST - SBA	0	-	-	-	0	
001-364-000	DISPOSITION OF FIXED ASSETS	0	2,777	-	165,309	168,086	(C)
001-366-000	CONTRIBUTIONS & DONATIONS	0	8,054	10,950	-	19,004	
001-369-900	OTHER MISCELLANEOUS REVENUE	10,000	-	-	-	10,000	
001-369-905	POLICE OFF-DUTY DETAIL REIMBURSEMENTS	0	24,011	8,509	15,365	47,885	(D)
001-369-906	POLICE MARINE PATROL REIMBURSEMENTS	35,895	-	-	-	35,895	
001-369-910	VACANT FORECLOSURE	0	-	-	-	0	
001-369-915	AAA FLORIDA TRAFFIC SAFETY GRANT	0	10,000	-	-	10,000	
TOTAL REVENUES		7,822,002	321,541	24,423	120,620	8,288,586	
TRANSFERS IN		0	-	-	-	0	
Total Beginning Fund Balance, Revenues, & Transfers In		10,822,002	546,331	(2,111)	120,620	11,486,842	
EXPENDITURES							
001-511-00-2311	DENTAL & VISION INSURANCE - DISTRICT 1	500	-	-	-	500	
001-511-00-2312	DENTAL & VISION INSURANCE - DISTRICT 2	500	-	-	-	500	
001-511-00-2313	DENTAL & VISION INSURANCE - DISTRICT 3	500	-	-	-	500	
001-511-00-2314	DENTAL & VISION INSURANCE - DISTRICT 4	500	-	-	-	500	
001-511-00-2315	DENTAL & VISION INSURANCE - DISTRICT 5	500	-	-	-	500	
001-511-00-2316	DENTAL & VISION INSURANCE - DISTRICT 6	500	-	-	-	500	
001-511-00-2317	DENTAL & VISION INSURANCE - DISTRICT 7	500	-	-	-	500	
001-511-00-3150	ELECTION EXPENSE	10,000	-	-	10,536	20,536	(E)
001-511-00-3200	AUDITING & ACCOUNTING	26,000	-	-	-	26,000	
001-511-00-4001	TRAVEL & PER DIEM - DISTRICT 1	250	-	-	-	250	
001-511-00-4002	TRAVEL & PER DIEM - DISTRICT 2	250	-	-	-	250	
001-511-00-4003	TRAVEL & PER DIEM - DISTRICT 3	250	-	-	-	250	
001-511-00-4004	TRAVEL & PER DIEM - DISTRICT 4	250	-	-	-	250	
001-511-00-4005	TRAVEL & PER DIEM - DISTRICT 5	250	-	-	-	250	
001-511-00-4006	TRAVEL & PER DIEM - DISTRICT 6	250	-	-	-	250	
001-511-00-4007	TRAVEL & PER DIEM - DISTRICT 7	250	-	-	-	250	
001-511-00-4100	COMMUNICATIONS - TELEPHONE	7,500	-	-	-	7,500	
001-511-00-4900	OTHER CURRENT CHARGES	250	-	-	-	250	
001-511-00-5100	OFFICE SUPPLIES	500	-	-	-	500	
001-511-00-5200	OPERATING SUPPLIES	100	-	-	-	100	

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ATTACHMENT A
CITY OF BELLE ISLE
FY 2021-2022
BUDGET AMENDMENT #3
RESOLUTION# 22-32

a.

Account Id	Account Description	ORIGINAL	RESOLUTION#	RESOLUTION#	RESOLUTION#	AMENDED	REF#
		BUDGET	22-10	22-16	22-32	BUDGET	
		2021/2022	BA#1	BA#2	BA#3	2021/2022	
001-511-00-5401	BOOKS,SUBSCRIPTIONS & MEMBERSHIPS- DIS 1	200	-	-	-	200	
001-511-00-5402	BOOKS,SUBSCRIPTIONS & MEMBERSHIPS- DIS 2	200	-	-	-	200	
001-511-00-5403	BOOKS,SUBSCRIPTIONS & MEMBERSHIPS- DIS 3	200	-	-	-	200	
001-511-00-5404	BOOKS,SUBSCRIPTIONS & MEMBERSHIPS- DIS 4	200	-	-	-	200	
001-511-00-5405	BOOKS,SUBSCRIPTIONS & MEMBERSHIPS- DIS 5	200	-	-	-	200	
001-511-00-5406	BOOKS,SUBSCRIPTIONS & MEMBERSHIPS- DIS 6	200	-	-	-	200	
001-511-00-5407	BOOKS,SUBSCRIPTIONS & MEMBERSHIPS- DIS 7	200	-	-	-	200	
	Total Legislative	51,000	-	-	10,536	61,536	
001-512-00-2310	DENTAL & VISION INSURANCE	500	-	-	-	500	
001-512-00-4000	TRAVEL & PER DIEM	500	-	-	-	500	
001-512-00-4100	COMMUNICATIONS - TELEPHONE	1,200	-	-	-	1,200	
001-512-00-4900	OTHER CURRENT CHARGES	500	-	-	-	500	
001-512-00-5400	BOOKS, SUBSCRIPTIONS & MEMBERSHIPS	600	-	-	-	600	
	Total Executive Mayor	3,300	-	-	-	3,300	
001-513-00-1200	REGULAR SALARIES & WAGES	265,000	-	70,365	-	335,365	
001-513-00-1250	VEHICLE ALLOWANCE - CITY MANAGER	8,400	-	-	-	8,400	
001-513-00-1400	OVERTIME PAY	500	-	-	-	500	
001-513-00-2100	FICA/MEDICARE TAXES	20,953	-	5,383	-	26,336	
001-513-00-2200	RETIREMENT CONTRIBUTIONS	40,000	-	6,563	-	46,563	
001-513-00-2300	HEALTH INSURANCE	70,000	-	5,300	(13,385)	61,915	(F)
001-513-00-2310	DENTAL & VISION INSURANCE	2,400	-	100	-	2,500	
001-513-00-2320	LIFE INSURANCE	1,300	-	200	-	1,500	
001-513-00-2330	DISABILITY INSURANCE	3,500	-	312	-	3,812	
001-513-00-3100	PROFESSIONAL SERVICES	13,000	-	-	-	13,000	
001-513-00-3400	PLANNING SERVICE	75,000	-	(43,750)	-	31,250	
001-513-00-4000	TRAVEL & PER DIEM	1,000	-	-	-	1,000	
001-513-00-4700	PRINTING & BINDING	500	-	-	-	500	
001-513-00-4710	CODIFICATION EXPENSES	3,500	-	3,000	-	6,500	
001-513-00-4900	OTHER CURRENT CHARGES	2,000	-	-	-	2,000	
001-513-00-4910	LEGAL ADVERTISING	3,000	-	-	-	3,000	
001-513-00-5200	OPERATING SUPPLIES	500	-	-	-	500	
001-513-00-5400	BOOKS, SUBSCRIPTIONS & MEMBERSHIPS	4,500	-	-	-	4,500	
	Total Finance, Admin, & Planning	515,053	-	47,473	(13,385)	549,141	
001-519-00-1560	PREMIUM PAY - INFLATION STIPEND (ARPA)	0	-	-	106,630	106,630	(B)
001-519-00-2100	FICA/MEDICARE TAXES	0	-	-	8,158	8,158	(B)
001-519-00-3100	PROFESSIONAL SERVICES	0	50,000	-	(50,000)	0	(F)
001-519-00-3110	LEGAL SERVICES	160,000	-	-	-	160,000	
001-519-00-3120	ENGINEERING FEES	30,000	-	-	-	30,000	
001-519-00-3140	INFORMATION TECHNOLOGY EXPENSE	8,000	-	-	-	8,000	
001-519-00-3400	CONTRACTUAL SERVICES	25,500	-	-	-	25,500	
001-519-00-3405	BUILDING PERMITS	120,000	-	-	-	120,000	
001-519-00-3410	JANITORIAL SERVICES	3,000	-	-	-	3,000	
001-519-00-3415	WEBSITE/SOCIAL MEDIA	3,000	-	-	-	3,000	
001-519-00-3417	EMERGENCY EXPENSES - HURRICANE	0	-	-	55,443	55,443	(E)
001-519-00-3440	FIRE PROTECTION	1,760,054	(6,222)	-	-	1,753,832	
001-519-00-4100	COMMUNICATIONS SERVICES	15,000	-	-	-	15,000	
001-519-00-4200	FREIGHT & POSTAGE	5,000	-	-	-	5,000	
001-519-00-4300	UTILITY/ELECTRIC/WATER	19,000	-	-	-	19,000	
001-519-00-4310	SOLID WASTE DISPOSAL/YARDWASTE	690,000	-	-	-	690,000	
001-519-00-4500	INSURANCE	90,000	59,983	-	-	149,983	
001-519-00-4600	REPAIRS & MAINTENANCE - GENERAL	5,000	-	-	-	5,000	
001-519-00-4700	PRINTING & BINDING	6,000	-	-	-	6,000	
001-519-00-4800	SPECIAL EVENTS	10,000	3,500	4,000	-	17,500	
001-519-00-4900	OTHER CURRENT CHARGES	6,000	-	-	-	6,000	
001-519-00-4905	NON AD VALOREM ASSESSMENT FEE	3,500	-	-	-	3,500	
001-519-00-4906	GEOGRAPHIC INFORMATION SYSTEM INTERLOC	2,300	-	-	-	2,300	
001-519-00-4910	LEGAL ADVERTISING	5,000	-	-	-	5,000	
001-519-00-5200	OFFICE & OPERATING SUPPLIES	8,500	-	4,400	-	12,900	
001-519-00-5400	BOOKS, SUBSCRIPTIONS & MEMBERSHIPS	1,200	-	-	-	1,200	
001-519-00-6491	CAPITAL - CITY HALL EQUIPMENT	0	29,782	-	-	29,782	
001-519-00-8300	CONTRIBUTIONS & DONATIONS	1,500	-	-	-	1,500	
001-519-00-8310	NEIGHBORHOOD GRANT PROGRAM	0	49,000	-	-	49,000	
	Total General Government	2,977,554	186,043	8,400	120,231	3,292,228	
001-521-00-1200	REGULAR SALARIES & WAGES	1,388,846	-	100,846	(167,266)	1,322,426	(F)
001-521-00-1210	REGULAR SALARIES & WAGES - CROSSING GUARD	41,000	-	-	-	41,000	
001-521-00-1215	HOLIDAY PAY	21,000	-	1,000	-	22,000	
001-521-00-1220	LONGEVITY PAY	5,250	-	-	-	5,250	
001-521-00-1400	OVERTIME PAY	20,000	-	3,682	42,344	66,026	(E)
001-521-00-1500	INCENTIVE PAY	18,120	-	3,120	-	21,240	

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ATTACHMENT A
CITY OF BELLE ISLE
FY 2021-2022
BUDGET AMENDMENT #3
RESOLUTION# 22-32

a.

Account Id	Account Description	ORIGINAL	RESOLUTION#	RESOLUTION#	RESOLUTION#	AMENDED	REF#
		BUDGET	22-10	22-16	22-32	BUDGET	
		2021/2022	BA#1	BA#2	BA#3	2021/2022	
001-521-00-1505	POLICE OFF-DUTY DETAIL PAY	0	24,874	6,667	15,376	46,917	(D)
001-521-00-1506	POLICE LAKE CONWAY MARINE PATROL PAY	35,000	-	-	-	35,000	
001-521-00-1520	SPECIAL ASSIGNMENT PAY	8,710	-	4,680	-	13,390	
001-521-00-2100	FICA/MEDICARE TAXES	117,651	1,903	9,180	(13,277)	115,457	(D)
001-521-00-2200	RETIREMENT CONTRIBUTIONS	239,648	-	17,648	-	257,296	
001-521-00-2300	HEALTH INSURANCE	335,768	-	42,200	(134,655)	243,313	(F)
001-521-00-2310	DENTAL & VISION INSURANCE	10,084	-	1,560	-	11,644	
001-521-00-2320	LIFE INSURANCE	6,790	-	490	-	7,280	
001-521-00-2330	DISABILITY INSURANCE	21,600	-	1,600	-	23,200	
001-521-00-3100	TECHNOLOGY SUPPORT/SERVICES	31,031	-	1,200	-	32,231	
001-521-00-3110	LEGAL SERVICES	8,000	-	-	-	8,000	
001-521-00-3120	PRE-EMPLOYMENT EXPENSE	2,000	-	-	-	2,000	
001-521-00-3405	RED LIGHT CAMERA FEES	168,000	-	-	-	168,000	
001-521-00-3410	JANITORIAL SERVICES	2,600	-	-	-	2,600	
001-521-00-4000	TRAVEL & PER DIEM	3,000	-	-	-	3,000	
001-521-00-4100	COMMUNICATIONS SERVICES	25,000	-	-	-	25,000	
001-521-00-4110	DISPATCH SERVICE	73,000	-	-	-	73,000	
001-521-00-4200	POSTAGE & FREIGHT	1,500	-	-	-	1,500	
001-521-00-4300	UTILITY/ELECTRIC/WATER	3,500	-	-	-	3,500	
001-521-00-4410	RENTALS & LEASES - VEHICLES	150,664	-	15,312	-	165,976	
001-521-00-4600	REPAIRS & MAINTENANCE - GENERAL	2,000	-	-	-	2,000	
001-521-00-4610	REPAIRS AND MAINTENANCE - VEHICLES	15,000	-	-	-	15,000	
001-521-00-4620	REPAIRS & MAINTENANCE - RADAR GUNS	4,000	-	-	-	4,000	
001-521-00-4700	PRINTING & BINDING	3,000	-	-	-	3,000	
001-521-00-4800	COMMUNITY PROMOTIONS	3,000	-	-	-	3,000	
001-521-00-4900	OTHER CURRENT CHARGES	3,000	-	-	-	3,000	
001-521-00-4910	LEGAL ADVERTISING	1,000	-	-	-	1,000	
001-521-00-4920	MARINE EXPENSES	8,000	-	-	-	8,000	
001-521-00-4921	PD GRANT EXPENDITURES	0	989	-	-	989	
001-521-00-5100	OFFICE SUPPLIES	3,000	-	-	-	3,000	
001-521-00-5200	OPERATING SUPPLIES	5,000	-	-	-	5,000	
001-521-00-5205	COMPUTER AND SOFTWARE	14,075	-	5,000	-	19,075	
001-521-00-5210	UNIFORMS	10,500	-	12,000	-	22,500	
001-521-00-5230	FUEL EXPENSE	55,000	-	-	14,475	69,475	(E)
001-521-00-5250	POLICE NON-CAPITAL EQUIPMENT	0	-	20,981	-	20,981	
001-521-00-5300	POLICE ACADEMY SPONSORED EMPLOYEE EXP	0	-	5,200	-	5,200	
001-521-00-5400	BOOKS, SUBSCRIPTIONS & MEMBERSHIPS	1,000	-	-	-	1,000	
001-521-00-5500	TRAINING - POLICE	1,500	-	-	-	1,500	
001-521-00-6400	CAPITAL - EQUIPMENT	3,900	27,831	(10,831)	-	20,900	
001-521-00-6410	CAPITAL - RADIOS	22,000	-	22,000	(28,398)	15,602	(F)
001-521-00-6417	CAPITAL - VEHICLES	0	-	-	-	0	
001-521-00-6418	CAPITAL - VESSELS	50,000	-	-	(28,575)	21,425	(F)
	Total Police	2,942,737	55,597	263,535	(299,976)	2,961,893	
001-541-00-1200	REGULAR SALARIES & WAGES	101,000	-	56,532	(54,047)	103,485	(F)
001-541-00-1400	OVERTIME PAY	500	-	-	-	500	
001-541-00-2100	FICA/MEDICARE TAXES	7,765	-	4,324	-	12,089	
001-541-00-2200	RETIREMENT CONTRIBUTIONS	15,200	-	8,480	-	23,680	
001-541-00-2300	HEALTH INSURANCE	23,000	-	29,540	(33,550)	18,990	(F)
001-541-00-2310	DENTAL & VISION INSURANCE	500	-	1,092	-	1,592	
001-541-00-2320	LIFE INSURANCE	500	-	266	-	766	
001-541-00-2330	DISABILITY INSURANCE	1,400	-	949	-	2,349	
001-541-00-3100	PROFESSIONAL SERVICES	8,575	-	-	-	8,575	
001-541-00-3140	TEMPORARY LABOR	0	12,000	-	-	12,000	
001-541-00-3400	CONTRACTUAL SERVICES	8,000	-	-	-	8,000	
001-541-00-3420	LANDSCAPING SERVICES	70,000	-	-	-	70,000	
001-541-00-4000	TRAVEL & PER DIEM	0	700	-	-	700	
001-541-00-4100	COMMUNICATIONS	3,000	-	-	-	3,000	
001-541-00-4300	UTILITY/ELECTRIC/WATER	115,000	-	-	-	115,000	
001-541-00-4410	RENTALS & LEASES - VEHICLES	0	-	79,300	(76,385)	2,915	(F)
001-541-00-4600	REPAIRS & MAINTENANCE - GENERAL	20,000	-	-	-	20,000	
001-541-00-4610	REPAIRS & MAINTENANCE - VEHICLES & EQUIP	10,000	-	-	-	10,000	
001-541-00-4670	REPAIRS & MAINTENANCE - PARKS	40,000	-	-	-	40,000	
001-541-00-4675	REPAIRS & MAINTENANCE - BOAT RAMPS	3,500	-	-	-	3,500	
001-541-00-4680	REPAIRS & MAINTENANCE - ROADS	30,000	-	-	-	30,000	
001-541-00-4690	URBAN FORESTRY	100,000	-	25,000	-	125,000	
001-541-00-5200	OPERATING SUPPLIES	7,500	-	-	-	7,500	
001-541-00-5210	UNIFORMS	1,500	-	-	-	1,500	
001-541-00-5220	PROTECTIVE CLOTHING	1,500	-	-	-	1,500	
001-541-00-5230	FUEL EXPENSE	6,000	-	-	-	6,000	

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ATTACHMENT A
CITY OF BELLE ISLE
FY 2021-2022
BUDGET AMENDMENT #3
RESOLUTION# 22-32

a.

Account Id	Account Description	ORIGINAL	RESOLUTION#	RESOLUTION#	RESOLUTION#	AMENDED	REF#
		BUDGET	22-10	22-16	22-32	BUDGET	
		2021/2022	BA#1	BA#2	BA#3	2021/2022	
001-541-00-5240	SMALL TOOLS & EQUIPMENT	8,000	-	-	-	8,000	
001-541-00-5400	BOOKS, SUBSCRIPTIONS & MEMBERSHIPS	500	-	-	-	500	
001-541-00-5500	TRAINING	500	-	-	-	500	
001-541-00-6320	CIP - RESURFACING & CURBING	350,585	-	-	8,414	358,999	(E)
001-541-00-6330	CIP - SIDEWALKS	25,000	100,000	-	-	125,000	
001-541-00-6335	CIP - NELA BRIDGE REPAIRS	47,000	-	-	(44,515)	2,485	(F)
001-541-00-6375	CIP - FENCING	0	-	-	5,074	5,074	(E)
001-541-00-6380	CIP - PARK IMPROVEMENTS	25,000	45,815	-	10,340	81,155	(E)
001-541-00-6420	CIP - TRAFFIC CALMING	0	30,500	-	-	30,500	
001-541-00-6430	CAPITAL - EQUIPMENT	46,500	-	(25,000)	(21,500)	0	(F)
	Total Public Works	1,077,525	189,015	180,483	(206,169)	1,240,854	
001-584-00-7100	PAYMENT ON BOND - PRINCIPAL	183,000	26,534	(26,534)	18,372	201,372	(G)
001-584-00-7200	BOND DEBT - INTEREST	55,000	-	-	8,336	63,336	(G)
	Total Debt Service	238,000	26,534	(26,534)	26,708	264,708	
	TOTAL EXPENDITURES	7,805,169	457,189	473,357	(362,055)	8,373,660	
001-581-00-9100	TRANSFER TO CAPITAL EQUIP REPL FUND 301	0	-	-	-	0	
	TOTAL TRANSFERS OUT	0	-	-	-	0	
	ENDING FUND BALANCE	3,016,833	89,142	(475,468)	482,675	3,113,182	
	Total Expenditures, Transfers Out, & Ending Fund Balance	10,822,002	546,331	(2,111)	120,620	11,486,842	

TRANSPORTATION IMPACT FEE FUND 102

	BEGINNING FUND BALANCE	126,126	18,511	5,251	(5,250)	144,638	(H)
	REVENUES						
102-324-310	IMPACT FEES - RESIDENTIAL - TRANSPORTATION	0	-	-	-	0	
102-361-100	INTEREST - TRANSPORTATION IMPACT	500	-	-	-	500	
	TOTAL REVENUES	500	-	-	-	500	
	Total Beginning Fund Balance, Revenues, & Transfers In	126,626	18,511	5,251	(5,250)	145,138	
	EXPENDITURES						
102-541-00-3100	PROFESSIONAL SERVICES	0	-	-	-	0	
102-541-00-6425	ROADWAY IMPROVEMENTS	55,100	(15,500)	-	-	39,600	
	TOTAL EXPENDITURES	55,100	(15,500)	-	-	39,600	
	ENDING FUND BALANCE	71,526	34,011	5,251	(5,250)	105,538	
	Total Expenditures, Transfers Out, & Ending Fund Balance	126,626	18,511	5,251	(5,250)	145,138	

STORMWATER FUND 103

	BEGINNING FUND BALANCE	180,000	39,341	-	-	219,341	
	REVENUES						
103-331-900	ARPA - CORONAVIRUS LOCAL FISCAL RECOVERY	1,314,397	(238,147)	-	(775,171)	301,079	(B)
103-334-360	STATE RESILIENCY GRANT	0	-	-	-	0	
103-343-900	SERVICE CHARGE - STORMWATER	405,341	-	-	-	405,341	
103-361-100	INTEREST - STORMWATER	500	-	-	-	500	
	TOTAL REVENUES	1,720,238	(238,147)	-	(775,171)	706,920	
	Total Beginning Fund Balance, Revenues, & Transfers In	1,900,238	(198,806)	-	(775,171)	926,261	
	EXPENDITURES						
103-541-00-1200	REGULAR SALARIES & WAGES	112,022	-	24,228	-	136,250	
103-541-00-2100	FICA/MEDICARE TAXES	8,570	-	1,853	-	10,423	
103-541-00-2200	RETIREMENT CONTRIBUTIONS	16,803	-	3,634	-	20,437	
103-541-00-2300	HEALTH INSURANCE	19,180	-	12,660	-	31,840	
103-541-00-2310	DENTAL & VISION INSURANCE	535	-	468	-	1,003	
103-541-00-2320	LIFE INSURANCE	528	-	114	-	642	
103-541-00-2330	DISABILITY INSURANCE	1,362	-	407	-	1,769	
103-541-00-3100	PROFESSIONAL SERVICES	0	-	-	-	0	
103-541-00-3110	LEGAL SERVICES - STORMWATER FUND	3,000	-	-	-	3,000	
103-541-00-3120	ENGINEERING FEES	50,000	-	-	77,566	127,566	(E)
103-541-00-3430	NPDES	15,000	-	-	-	15,000	
103-541-00-3450	LAKE CONSERVATION	20,000	-	-	-	20,000	
103-541-00-4600	REPAIRS & MAINTENANCE	75,000	-	-	-	75,000	
103-541-00-4900	OTHER CURRENT CHARGES	500	-	-	-	500	
103-541-00-6300	CIP - CAPITAL IMPROVEMENTS	0	-	-	-	0	
103-541-00-6319	CIP - CAPITAL IMPROVEMENTS - ARPA	1,141,250	(65,000)	-	(775,171)	301,079	(B)
103-541-00-7100	PRINCIPAL	19,000	-	-	(19,000)	0	(G)
103-541-00-7200	INTEREST	9,100	-	-	(9,100)	0	(G)
	TOTAL EXPENDITURES	1,491,850	(65,000)	43,364	(725,705)	744,509	
103-581-00-9100	TRANSFER TO CAPITAL EQUIP REPL FUND 301	0	-	-	-	0	
	TOTAL TRANSFERS OUT	0	-	-	-	0	
	ENDING FUND BALANCE	408,388	-133,806	-43,364	-49,466	181,752	
	Total Expenditures, Transfers Out, & Ending Fund Balance	1,900,238	(198,806)	-	(775,171)	926,261	

ATTACHMENT A
CITY OF BELLE ISLE
FY 2021-2022
BUDGET AMENDMENT #3
RESOLUTION# 22-32

a.

Account Id	Account Description	ORIGINAL BUDGET 2021/2022	RESOLUTION# 22-10 BA#1	RESOLUTION# 22-16 BA#2	RESOLUTION# 22-32 BA#3	AMENDED BUDGET 2021/2022	REF#
LAW ENFORCEMENT EDUCATION FUND 104							
BEGINNING FUND BALANCE		15,263	732	-	-	15,995	
REVENUES							
104-351-200	JUDGEMENT & FINES - LE EDUCATION FUND	1,500	-	-	-	1,500	
104-361-100	INTEREST - EDUCATION FUND	500	-	-	-	500	
TOTAL REVENUES		2,000	-	-	-	2,000	
Total Beginning Fund Balance, Revenues, & Transfers In		17,263	732	-	-	17,995	
EXPENDITURES							
104-521-00-5500	TRAINING	6,000	-	-	-	6,000	
TOTAL EXPENDITURES		6,000	-	-	-	6,000	
ENDING FUND BALANCE		11,263	732	-	-	11,995	
Total Expenditures, Transfers Out, & Ending Fund Balance		17,263	732	-	-	17,995	

CHARTER SCHOOL DEBT SERVICE FUND 201							
BEGINNING FUND BALANCE		1,345,312	22,487	-	-	1,367,799	
REVENUES							
201-362-000	RENT REVENUE	1,037,341	-	(11,200)	-	1,026,141	
TOTAL REVENUES		1,037,341	-	(11,200)	-	1,026,141	
201-381-000	TRANSFERS IN FROM GENERAL FUND 001	0	-	-	-	0	
TOTAL TRANSFERS IN		0	-	-	-	0	
Total Beginning Fund Balance, Revenues, & Transfers In		2,382,653	22,487	(11,200)	-	2,393,940	
EXPENDITURES							
201-569-00-1200	REGULAR SALARIES & WAGES	82,000	-	-	-	82,000	
201-569-00-2100	FICA/MEDICARE TAXES	6,273	-	-	-	6,273	
201-569-00-2200	RETIREMENT CONTRIBUTIONS	13,000	-	-	-	13,000	
201-569-00-2300	HEALTH INSURANCE	12,000	-	-	-	12,000	
201-569-00-2310	DENTAL & VISION INSURANCE	400	-	-	-	400	
201-569-00-2320	LIFE INSURANCE	400	-	-	-	400	
201-569-00-2330	DISABILITY INSURANCE	1,100	-	-	-	1,100	
201-569-00-3100	PROFESSIONAL SERVICES - CHARTER	27,000	-	-	(13,558)	13,442	(F)
201-569-00-3110	LEGAL SERVICES - CHARTER	15,000	-	-	(14,775)	225	(F)
201-569-00-4600	MAINTENANCE - CHARTER SCHOOL	20,000	-	8,000	-	28,000	
201-569-00-6210	CIP - CHARTER ROOF	117,000	-	-	(104,699)	12,301	(F)
201-569-00-6320	CIP - HVAC REPLACEMENT	425,000	-	-	107,334	532,334	(F)
201-569-00-7100	PRINCIPAL	185,000	-	-	-	185,000	
201-569-00-7200	INTEREST	515,000	-	-	-	515,000	
TOTAL EXPENDITURES		1,419,173	-	8,000	(25,698)	1,401,475	
ENDING FUND BALANCE		963,480	22,487	-19,200	25,698	992,465	
Total Expenditures, Transfers Out, & Ending Fund Balance		2,382,653	22,487	(11,200)	-	2,393,940	

<i>ENDING FUND BALANCE - RESTRICTED BY TRUSTEE</i>						962,386
<i>ENDING FUND BALANCE - AVAILABLE</i>						30,079
<i>TOTAL ENDING FUND BALANCE</i>						992,465

CAPITAL EQUIPMENT REPLACEMENT FUND 301							
BEGINNING FUND BALANCE		19,131	(116)	1	-	19,016	
REVENUES							
301-361-100	INTEREST - CAP EQUIP REPL FUND	500	-	-	-	500	
TOTAL REVENUES		500	-	-	-	500	
301-381-000	TRANSFER FROM GENERAL FUND 001	0	-	-	-	0	
301-381-103	TRANSFER FROM STORMWATER FUND 103	0	-	-	-	0	
TOTAL TRANSFERS IN		0	-	-	-	0	
Total Beginning Fund Balance, Revenues, & Transfers In		19,631	(116)	1	-	19,516	
EXPENDITURES							
301-521-00-6410	CIP - POLICE COMMUNICATIONS EQUIPMENT	0	-	-	-	0	
TOTAL EXPENDITURES		0	-	-	-	0	
ENDING FUND BALANCE		19,631	(116)	1	-	19,516	
Total Expenditures, Transfers Out, & Ending Fund Balance		19,631	(116)	1	-	19,516	

CAPITAL IMPROVEMENT REVENUE NOTE 2020 PROJECT FUND 303							
BEGINNING FUND BALANCE		442,100	-	1	-	442,101	
REVENUES							
303-384-100	REVENUE BOND PROCEEDS	0	-	-	-	0	

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ATTACHMENT A
 CITY OF BELLE ISLE
 FY 2021-2022
 BUDGET AMENDMENT #3
 RESOLUTION# 22-32

a.

Account Id	Account Description	ORIGINAL	RESOLUTION#	RESOLUTION#	RESOLUTION#	AMENDED	REF#
		BUDGET	22-10	22-16	22-32	BUDGET	
		2021/2022	BA#1	BA#2	BA#3	2021/2022	
TOTAL REVENUES		0	-	-	-	0	
Total Beginning Fund Balance, Revenues, & Transfers In		442,100	-	1	-	442,101	
EXPENDITURES							
303-517-00-3100	PROFESSIONAL SERVICES - FUND 303	0	-	-	11,660	11,660	(I)
303-517-00-6200	BUILDINGS - BANK OF AMERICA PURCHASE	0	-	-	-	0	
303-517-00-6300	CIP - STORMWATER PROJECTS	442,100	-	-	(442,100)	0	(F)
303-517-00-7300	BOND ISSUANCE COSTS	0	-	-	-	0	
TOTAL EXPENDITURES		442,100	0	0	-430,440	11,660	
ENDING FUND BALANCE		0	-	1	430,440	430,441	
Total Expenditures, Transfers Out, & Ending Fund Balance		442,100	-	1	-	442,101	

ATTACHMENT A
 CITY OF BELLE ISLE
 FY 2021-2022
 BUDGET AMENDMENT #3
 RESOLUTION# 22-32

a.

Account Id	Account Description	ORIGINAL BUDGET 2021/2022	RESOLUTION# 22-10 BA#1	RESOLUTION# 22-16 BA#2	RESOLUTION# 22-32 BA#3	AMENDED BUDGET 2021/2022	REF#
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REFERENCE:

- (A) Increase revenue based on actuals revenue received.
- (B) Adjust ARPA revenue and expenditures for FY2122.
- (C) Record revenue for sale of Enterprise vehicles & PD boat.
- (D) Adjust revenue & expenditures for PD off-duty to reflect activity.
- (E) Increase expenditures based on actuals spent.
- (F) Decrease expenditures for money not spent or projects not completed.
- (G) Transfer P&I expense for 2020 bond from Stormwater Fund to General Fund (as it is not yet decided if the funds will be spent in Stormwater)
- (H) Correct beginning fund balance Fund 102.
- (I) Add expenditure for appraisal fees paid to Scott Lloyd Advisors LLC.



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

Meeting Date: November 15, 2022, 2022

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: RFP for Updating Stormwater Rate.

Background: The City’s current rate structure has been in place, with few modifications, since adoption of the 2003 Stormwater Master Plan. At the time, the Equivalent Residential Unit (ERU) to measure the rate was 4,087 square feet. This ERU is also applied to commercial properties and there has been discrepancies in how commercial property is charged based on the calculations of amount of impervious surface and the ERU. We believe this ERU needs to be adjusted based on the size of new development. Stormwater fees are currently assessed as a non-ad valorem assessment on property taxes and collected by Orange County under an agreement with the City. The City desires a complete review including recommendations for capital improvements over the next ten years.

Staff Recommendation: Review the RFP and if acceptable direct the staff to move forward.

Suggested Motion: I move that we approve the RFP and direct the staff to move forward with the project.

Alternatives: Suggest changes to the RFP

Fiscal Impact: An estimate of \$50,000 for the study.

Attachments: RFP 23-01

REQUEST FOR PROPOSAL (RFP)



Subject: Update Rate Study for Stormwater

RFP #:23-01

Due Date/Time: **December 13, 2022, 3:00 p.m. Eastern Time**

Submit To: City Clerk
City of Belle Isle
1600 Nela Ave
Belle Isle, FL 32809

**CITY OF BELLE ISLE REQUEST
FOR PROPOSAL FOR
RATE STUDY FOR WATER, SEWER AND STORMWATER**

CALENDAR OF EVENTS

Listed below are important dates and times by which the actions noted must be completed. If the City finds it necessary to change any of these dates or times, the change may be accomplished by addendum. All dates are subject to change.

ACTION	COMPLETION DATE
Issue RFP	November 16, 2022
Deadline for Questions	November 30, 2022
Response to Questions	December 5, 2022
Deadline for Submitting Proposals	December 13, 2022 ,3:00 PM (EST)
Evaluation Committee Review	December 14-16, 2022
City Council Approval of Proposal (Tentative)	December 20, 2022
Contract Negotiation	December 27-29, 2022
Contract Approval	January 3, 2023
Notice to Proceed	January 4, 2023
Project Completion (Tentative)	June 9, 2023

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Section 1 – Introductory Material

1.1 STATEMENT OF PURPOSE

The City of Belle Isle (the City) is seeking proposals from qualified individuals or firms for the preparation of an updated Utility Rate Study for stormwater services. The City's current rate structure has been in place, with few modifications, since 2003. The City desires a complete review, including recommendations for improvement. However, the City does not want a generic or "cookie cutter" report, but would like a deep and thorough review of the current rate structure and revenue sufficiency, with thoughtful and creative recommendations for changes and improvements that will result in an equitable and sustainable rate structure that will serve Belle Isle residents for many years to come.

Piggybacking Option – The City does not intend to have this contract available for "piggybacking" by other governmental entities.

1.2 CONTRACT TERMS

The initial contract term is for one (1) year. The City will have the option to extend at its sole discretion.

1.3 BACKGROUND INFORMATION

The City of Belle Isle, in Orange County, was incorporated in 1924 and was created as a municipality under Chapter 165, Florida Statutes, and named the City of Belle Isle. The City operates under the Council-Manager form of government and provides the following services authorized by its Charter: general government, police, public works, parks, and stormwater. The majority of residents in the city are on septic systems. The City outsources its potable water services, fire services, and sanitary sewer where available. Additional information about the City is available at the City's website: www.belleislefl.gov.

The City of Belle Isle has approximately 7,200 residents and about 2,800 stormwater customer accounts (roughly 70% single-family residential, 20% multi-family residential, and 10% commercial). While surrounded by Orlando and Orange County and located just northwest of the Orlando International Airport, Belle Isle is proud of its unique small-town atmosphere. The City is fully built out, and future growth will result from increasing density in areas where land use plans and zoning permits or by annexing Orange County property.

The City's current rate structure has been in place with few modifications since the adoption of the 2003 Stormwater Master Plan. At the time, the Equivalent Residential Unit (ERU) to measure the rate was 4,087 square feet. This Master Plan should be used as a resource for this rate study. We believe this ERU needs to be adjusted. Stormwater fees are currently assessed as a non-ad Valorem assessment on property taxes and collected by Orange County under an agreement with the City.

Section 2 – Scope of Services

2.0 TECHNICAL AND OPERATIONAL REQUIREMENTS

Respondent should be able to conduct a detailed utility rate study providing justifiable and equitable methodologies for appropriate user fees that are adequate to fully fund the expenses associated with utility system operations, including General Fund administration. The scope of services for the stormwater rate study is as follows:

- 2.1** Review the existing stormwater system configurations; review historical rate reports and financial data for the utility systems; review unfunded stormwater capital projects and projected maintenance costs; review the current stormwater assessments; the 2003 Stormwater Master Plan; Stormwater Capital Improvement Plan; and review other City and external documentation as necessary.
- 2.2** Conduct a ten (10) year revenue sufficiency analysis, including the development of a projection of stormwater rate revenue requirements and required stormwater rate revenue increases that are needed in each year for the projection period to fund all stormwater system requirements, including capital expenditures
- 2.3** Review existing GIS data, Orange County Tax data, Orange County digital aerials, digital orthophotography, and digital planimetric features (building, driveway, and parking lot outlines) and, any other information available to assist in determining impervious areas.
- 2.4** Develop an estimated stormwater utility fee using Equivalent Residential Units (ERU) and analyze the following:
- The current ERU of 4,087 square feet and determine a new ERU based on new development
 - The estimated customer base, in terms of ERUs
 - The estimated rate per residential unit in a tiered fee structure with at least three (3) tiers.
 - The estimated rates for non-residential properties (non-single family, commercial, group assembly, institutional, etc.).
 - Credit/Incentives mechanisms:
 1. Properties with on-site facilities that reduce stormwater runoff (i.e., rain barrels, pervious pavers, permeable pavement, underground detention, green infrastructure, etc.).
 2. Properties directly adjacent to Flagg Creek where all their resulting runoff drains into these waterways and not into the City storm sewer.
 3. Properties that grant stormwater drainage easements to the City to allow for the installation and maintenance of public stormwater drainage improvements within those easements.
- 2.5** Develop a tiered stormwater utility fee structure that applies to all real property located within the City and is payable by real property owners for the acquisition, construction, installation, maintenance, management, repair, replacement, and extension of existing and new stormwater drainage improvements, including the purchase of real estate and/or easements, that are part of the City-wide stormwater drainage system. The tiered stormwater utility fee structure should account for the amount of impervious surface area

located on each lot. Other types of fee structures should be included for the City's consideration. The City will be exempt from the stormwater utility fee as it will be contributing public funds and other valuable resources and benefits (e.g., City staff services and other City consultants services) as part of the acquisition, construction, installation, maintenance, management, repair, replacement and extension of existing and new stormwater drainage improvements, stormwater drainage improvement projects and the City-wide stormwater drainage system. This work will consist of computing the appropriate service charges rates and drafting a code amendment ordinance and service charge rate table for the City to use in establishing and implementing the service charges rates that will comprise the stormwater utility fees.

- 2.6** Develop a recommended annual or periodic stormwater utility fee increase schedule
- 2.7** Develop a ten (10) year financial management plan for the City's utilities, including, but not limited to recommendations for the following elements:
 - 2.5.1 Operating expenditures
 - 2.5.2 Capital expenditures
 - 2.5.3 Debt financing
 - 2.5.4 Reserve funding, including, but not limited to, reserves for working capital
- 2.8** Review and make recommendations regarding rate structure modifications with consideration given to industry best practices and local and regional community standards and expectations. Special attention should be devoted to an analysis and review of factors that ensure revenue sufficiency, rate stability, and fairness for all classes of customers
- 2.9** Develop a model to be used by budgeting staff to determine future utility rates based on the results of your study and external factor changes such as price increases for purchased water, sewer treatment fee increases, and regulatory changes in laws.
- 2.10** Create a draft stormwater utility fee ordinance for review by the City Attorney, including a credit/appeals process. The ordinance should be drafted to incorporate the recommendations of the City with respect to user charge methods and other policy issues.
- 2.11** Conduct other analyses as determined to be necessary during the course of this study.
- 2.11** Present the preliminary updated study and financial management plan to the Belle Isle City Commission at a public meeting. This public meeting could be one of the two public meetings referenced in section 3.14 or could be a separate public meeting. This presentation may be oral or written as determined by the Commission. The final utility study shall incorporate comments from City officials and the public as appropriate.
- 2.13** Attend at least two (2) public meetings for adoption of stormwater rates.

- 2.14** Provide a comprehensive written report responding to the tasks outlined in the Scope of Services. The report shall include an executive summary in addition to details, associated charts, graphs, and recommended changes to fees and charges, among others.

Section 3 – Procurement Instructions

3.1 QUESTIONS

Any questions relative to the interpretation of specifications or the proposal process must be e-mailed to Bob Francis at bfrancis@belleislefl.gov by November 30, 2022, 4:00 p.m. Answers to all questions will be included in an Addendum to the RFP and posted on the City's website by December 5, 2022. It will be the responsibility of the Proposer to review the answers to these questions prior to submitting a proposal. It is the Proposer's responsibility to ascertain if any addenda have been issued, to obtain all such addenda, and to return executed addenda with the proposal. Proposers should continue to monitor the City's website.

Written questions received on December 5, 2022 may not be answered. Only written questions answered by a formal written Addendum will be binding.

3.2 SUBMISSION OF PROPOSAL

3.2.1 Proposer shall submit five (5) paper copies of the proposal in the prescribed form under Section 3.3, along with a single flash/jump drive containing the RFP response in Adobe PDF format. All copies and the flash/jump drive must be marked by the Proposer with the Proposer name, date, and this RFP Title and number.

3.2.2 Sealed proposals must be received on or before **December 12, 2022, by 3:00 PM (Eastern Time)**, at the Office of the City Clerk, 1600 Nela Ave, Belle Isle, Florida 32809. The City Clerk's office hours are 7:00 a.m. to 5:00 p.m., Monday through Friday, except City holidays. Any proposal received after the specified time will be returned unopened. The Proposer is solely responsible for ensuring the proposal is received on or before the deadline.

3.2.3 On the envelope containing the proposal, the following shall be written in large letters:

Proposal For:	Updated Rate Study for Stormwater
RFP Number:	RFP # 23-01
To Be Opened:	December 12, 2022 by 3:00 PM (Eastern Time)

3.2.4 Proposals will be opened and listed publicly in City Council Chambers, 1600 Nela Ave, Belle Isle, Florida 32809 on the date and time specified above.

3.2.5 All proposals that are not submitted in the required format or missing required forms will be subject to rejection. The complete RFP and applicable forms are available on the City's website (www.belleislefl.gov) or by sending an email to the City Clerk at yquiceno@belleislefl.gov. All proposals must be signed in ink. It

is agreed upon by the Proposer that the signing and delivery of the Proposal represents the Proposer's acceptance of the terms and conditions of the specifications.

- 3.2.6** All proposals must be submitted in a sealed envelope, addressed, and mailed or delivered as stated in this Request for Proposal. Any Proposer may withdraw his proposal either personally, or by electronic or written communication at any time prior to opening of the proposals. All proposals must be in the possession of the City Clerk's office at the time of the proposal opening. Proposals submitted after the time specified shall not be considered and shall be returned unopened. It is the sole responsibility of the Proposer to ensure that their proposal reaches the City Clerk's Office on or before the closing date and time. Proposals submitted by telephone, telegram or facsimile or email will not be accepted. If the proposal is sent by overnight courier, (i.e., Federal Express, UPS, etc.), the proposal must be enclosed in an envelope marked as instructed above.
- 3.2.7 Incurred Expenses** - The City is not responsible for any expenses the Proposer may incur in preparing and submitting proposals for this Request for Proposal.
- 3.2.8 Interviews / Presentations** - The City reserves the right to conduct personal interviews or require proposers to make an oral presentation as part of the proposal evaluation process.
- 3.2.9 Request for Modification** - The City reserves the right to request that the Proposer modify his proposal to fully meet the needs of the City.
- 3.2.10 Request for Additional Information** - The Proposer shall furnish such additional information as the City of Belle Isle may reasonably require. This includes information that indicates financial resources. The City reserves the right to make investigations of the qualifications of the Proposer as it deems appropriate, including but not limited to a background investigation. The City also reserves the right to make such investigations, as it may deem necessary to establish the competency and financial ability of any Proposer to perform the work.
- 3.2.11 Acceptance, Rejection, or Modification to Proposals** - The City of Belle Isle reserves the right to reject any or all proposals, in whole or in part, with or without cause, to waive any informalities and technicalities, and to award the contract on such coverage and terms it deems will best serve the interest of the City. Criteria utilized by the City for determining the most responsive and responsible Proposer are described in Section 4 of this document.
- 3.2.12 Proposals Binding** - All proposals submitted shall be binding for one hundred fifty (150) calendar days following opening.

- 3.2.13 Addendum and Amendment to Request for Proposal** - If it becomes necessary to revise or amend any part of this Request for Proposal, the City will post the Addendum on the City's website and will distribute it via email to all identified prospective Proposers.
- 3.2.14 Economy of Preparation** - Proposals should be prepared simply and economically, providing a straightforward and concise description of the Proposer's ability to fulfill the requirements of this Request for Proposal.
- 3.2.15 Proprietary Information** - In accordance with Chapter 119 of the Florida Statutes (Public Records Law) and, except as may be provided by other applicable State and Federal Law, all Proposers should be aware that Request for Proposals and the responses thereto are in the public domain. However, the Proposers are requested to identify specifically any information contained in their proposals which they consider confidential and/or proprietary and that they believe to be exempt from disclosure, citing specifically the applicable exempting law.
- 3.2.16 Proposals Will Not Be Returned** - All proposals received from Proposers in response to this Request for Proposal will become the property of the City of Belle Isle and will not be returned to the Proposers. In the event of a contract award, all documentation produced as part of the contract will become the exclusive property of the City.
- 3.2.17 Proposer's Certification** - By submitting a proposal, the Proposer certifies that they has fully read and understands the proposal method, meet the requirements , and have full knowledge of the scope, nature, and quality of work to be performed.
- 3.2.18** In order to ensure a uniform review process and to obtain the maximum degree of comparability, it is required that proposals be organized in the manner specified in Section 3.3. An electronic version of this RFP may be obtained from Yolanda Quiceno, City Clerk, at yquiceno@belleislefl.gov or on the City's website at www.belleislefl.gov.
- 3.2.19** Any deviation from the specifications must be explained in detail; otherwise, it will be considered that the proposal is in strict compliance with the specifications and the successful Proposer will be held responsible for meeting the specifications. Any exceptions or clarifications to any section of the specifications shall be clearly indicated on a separate sheet(s) attached to the proposal form and shall specifically refer to the applicable specification paragraph number and page.
- 3.2.20 Proposer's Responsibility to Be Informed** - Proposers are expected to fully inform themselves as to the requirements of the specifications and failure to do so will be at their risk. A Proposer shall not expect to secure relief on the plea of error.

3.2.21 Cone of Silence - To ensure fair consideration for all Proposers, the City's Code of Ordinances prohibits communication to or with any City Commissioner, City official, any department, division or employee during the submission process, except as provided below. Additionally, the City prohibits communications initiated by a Proposer to the City Official or employee evaluating or considering the proposals prior to the time an award decision has been made. Any communication between Proposer and the City in order to obtain information or clarification needed to develop a proper, accurate evaluation of the proposal will be conducted through the City Manager, Bob Francis at bfrancis@belleislefl.gov. Communications initiated by a Proposer to anyone other than the City Manager may be grounds for disqualifying the offending Proposer from consideration for award of the proposal and/or any future proposal.

3.3 FORMAT AND CONTENTS

3.3.1 Cover Page - Show the name of Proposer's agency/firm, address, telephone number, name of contact person, email address, date, and the proposal number and description.

3.3.2 Tab 1 - Table of Contents

Include a clear identification of the material by section and by page number.

3.3.3 Tab 2 - Letter of Transmittal

3.3.3.1 Limit to one or two pages.

3.3.3.2 Briefly state the Proposers understanding of the work to be done and make a positive commitment to perform the work.

3.3.3.3 Give the names of the persons who will be authorized to make representations for the Proposer, their titles, addresses, email and telephone numbers.

3.3.3.4 Provide an official signature of a Corporate Officer certifying the contents of the Proposer's responses to the City's Request for Proposal.

3.3.4 Tab 3 - General Information

3.3.4.1 Name of Business.

3.3.4.2 Mailing Address and Phone Number.

3.3.4.3 Names and contact information of persons to be contacted for information or services if different from name of person in charge.

3.3.4.4 Normal business hours.

3.3.4.5 State if the business is local, national, or international and indicate the business's legal status (corporation, partnership, etc.).

3.3.4.6 Give the date business was organized and/or incorporated and where.

3.3.4.7 Give the location of the office from which the work is to be done and the number of professional staff employees at that office.

3.3.4.8 Indicate whether the business is a parent or subsidiary in a group of firms/agencies. If it is, please state the name of the parent company.

3.3.4.9 State if the business is licensed, permitted, and/or certified to do business in the State of Florida and attach copies of all such licenses issued to the business entity.

3.3.4.10.1 Proposers, both corporate and individual, must be fully licensed and certified in the State of Florida at the time of submittal of RFP for the type of goods/services to be provided. Should the Proposer not be fully licensed and certified, his/her RFP submittal shall be rejected. If applicable, any permits, licenses, or fees required shall be the responsibility of the Proposer. No separate or additional payment will be made for these costs. Adherence to all applicable code regulations, Federal, State, City, etc., are the responsibility of the Proposer.

3.3.4.11 Provide printout of company information from Florida Department of State, Division of Corporations (**SUNBIZ.Org**)

3.3.4.11 How did you hear about the RFP? Indicate if it was via the City's website, internet search, DemandStar, newspapers, email, etc. The City of Belle Isle is always looking for ways to improve its services.

3.3.5 Tab 4 – Project Approach

3.3.5.1 Describe in detail your proposal to fulfill the requirements of the scope of services.

3.3.5.2 Ensure that the proposal fully addresses all requirements of the Scope of Services and all other requirements set forth in this RFP.

3.3.6 Tab 5 – Experience and Qualifications

3.3.6.1 Specify the number of years the Proposer has been in business. A minimum of five (5) years in business is required.

3.3.6.2 Identify the Proposer's qualifications to perform the services identified in this RFP.

3.3.6.3 Provide a minimum of three (3) references with all contact information including telephone number and email address. If you have any current or past governmental agencies as customers, you are encouraged to list them, especially those from Orange County or other Florida counties. It is recommended that references be no less than similar in size to the City or have a minimum of equipment similar to the City.

3.3.7 Tab 6 – Pricing and Payment Terms

3.3.7.1 Provide a detailed itemization of cost of services including hourly rates by project personnel classification and approved FDOT overhead factor (if applicable).

Section 4 – Review and Evaluation Process

4.1 REVIEW AND EVALUATION

The City will conduct a comprehensive and impartial review and evaluation of all Proposals meeting the requirements of this solicitation. Please note that the City, at its sole discretion, reserves the right at any time during the process to reject any and all Proposals that are not in the best interest of the City.

Only timely submitted Proposals shall be reviewed and evaluated by staff to determine if they comply with the required forms, documents and submission requirements listed in the RFP. This will be a pass/fail review. Failure to meet any of these requirements may render a Proposal to be a failing response and result in rejection of the entire Proposal. Further evaluation will not be performed.

4.1.1 The City reserves the right to require live or web-based presentations/demonstrations from any or all proposers.

4.1.2 The Evaluation Committee will rank all proposals according to the criteria listed.

4.1.3 Contract negotiations will then be conducted with the highest ranked Proposer and the negotiated contract will be submitted to the City Commission for final approval.

4.1.4 The City reserves the right to reject any and all proposals and to waive minor defects or irregularities. The City further reserves the right to seek new proposals when such a procedure is reasonably in the best interest of the City to do so.

4.1.5 If negotiations with the highest ranked Proposer fail, the City will then begin negotiations with the second-ranked firm, and so on.

- 4.1.6** For the purpose of review, evaluation, scoring and ranking, review categories have been divided into multiple sections. The following reflects the Pass/Fail criteria and the maximum number of points that may be awarded by category:

	EVALUATION CRITERIA	POINTS
1	Submission of all required Forms and Documents as indicated in Section 3.3.	Pass/Fail
2	Attachment A – Non-Discrimination Affidavit	Pass/Fail
3	Attachment B – Domestic Partnership Certification	Pass/Fail
4	Attachment C – Non-Debarment Affidavit	Pass/Fail
5	Attachment D – Drug-Free Workplace Certification	Pass/Fail
6	Attachment E—Non-Collusive Affidavit	Pass/Fail
7	Attachment F – Certification Pursuant to Florida	Pass/Fail
8	Experience and Qualifications	40
9	Project Approach	30
10	Pricing	30

Section 5 – General Terms and Conditions

5.1 GENERAL AND LEGAL REQUIREMENTS

Federal, State, County and local laws, ordinances, rules and regulations that in any manner affect the items covered herein shall be deemed to apply. Lack of knowledge by the Proposer will in no way be a cause for relief from responsibility.

- 5.1.1 Non-Discrimination** - Section 1.8 of the City's Purchasing Policy states in part:

It is the policy of the City to promote the principles of equal opportunity in its contracting activities by assuring that those seeking to do business with the city will treat contractors, subcontractors, and employees equally and will not engage in discrimination against their contractors, subcontractors, or employees because of their actual or perceived race, color, religion, ancestry, national origin, disability, medical condition, marital status, domestic partner status, sex, gender, gender identity, gender expression, or sexual orientation or as a member of any other protected class.

The Contractor will certify to the City that that no person shall on the basis of race, color, national origin, sex, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Florida Civil Rights Act of 1992 and other nondiscrimination authorities be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

- 5.1.2 Non-Discrimination Affidavit** - Proposers shall submit an executed copy of the Non-Discrimination Affidavit attached to this Request for Proposal – Attachment A.
- 5.1.3 Domestic Partnership Affidavit** – Proposers shall submit an executed copy of Domestic Partnership Affidavit attached to the Request for Proposal – Attachment B.
- 5.1.4 Non-Debarment Affidavit** - The Proposer shall submit an executed copy of the Debarment Affidavit attached to this Request for Proposal – Attachment C.
- 5.1.5 Drug-Free Workplace** – The Proposer shall submit an executed copy of the Drug Free Workplace Certification – Attachment D.
- 5.1.6 Non-Collusive Affidavit**—The Proposer shall submit an executed copy of the Non-Collusive Affidavit—Attachment E.
- 5.1.7 Certification Pursuant to Florida Statute § 287.135** – The Proposer shall submit an executed copy of the Certification Pursuant to Florida Statute § 287.135 – Attachment F.
- 5.1.8 This Request for Proposal and the Proposer’s proposal shall be included and incorporated into the final award.**
- 5.1.9 Small and Minority Businesses, Women’s, and Labor Surplus Firms Participation** – the City encourages the active participation of minority businesses, women’s business enterprises and labor surplus area firms.

5.2 APPLICABLE LAW AND VENUE

This RFP, responses from Proposers and contracts resulting from this RFP shall be governed by the laws of the State of Florida. Any legal actions between the City of Belle Isle and any RFP Proposer shall be brought in Orange County, Florida.

5.3 CONDITIONS OF PROPOSALS

- 5.3.1 Late Proposals:** Proposals received by the City after the time specified for receipt will not be considered. Proposers shall assume full responsibility for timely delivery of the proposal to the location designated for receipt of proposals.
- 5.3.2 Completeness:** All information required by the Request for Proposal must be supplied to constitute a legitimate proposal.
- 5.3.3 Public Opening** - All proposals will be publicly opened at the time and place specified and made available for public inspection.

5.3.4 Award Presentation – The City Manager will present to City Commission for acceptance and final award the top ranked proposal or will reject all proposals, within one hundred and fifty (150) calendar days from the date of opening of proposals.

5.4 TERMS AND CONDITIONS OF AGREEMENT

All sections of the City’s specifications and all supplementary documents are essential parts of the City’s contract and requirements occurring in one area are deemed as though occurring in all. The RFP and the response to the RFP shall be deemed an integral part of the final negotiated contract.

5.5 DISCUSSION WITH RESPONSIBLE PROPOSERS

Discussions may be conducted with responsible Proposers who submit proposals determined to be reasonably acceptable of being selected for award for the purpose of clarification and to assure full understanding of, and responsiveness to, the solicitation requirements. Proposers shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submission prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing Proposers except as may be required by the Florida Public Records Law, Chapter 119, Section 286.0113, & Section 286.011, Florida Statutes.

5.6 EXECUTION OF AGREEMENT

The successful highest ranked Proposer shall, within thirty (30) calendar days after the City of Belle Isle issues Notice of Award, negotiate and enter into a contract with the City for the proposed services. Failure to comply with the established deadline for submittal of required documents may be grounds for cancellation of the award.

5.7 CONFLICT OF INTEREST

The award hereunder is subject to the provision of State of Florida Statutes and City of Belle Isle Ordinances.

The Proposer, by affixing his signature to the proposal’s “Letter of Transmittal”, declares that the proposal is made without any previous understanding, agreement, or connections with any City official or persons, firms, or corporations making a proposal on the same items and without any outside control, collusion or fraud. By signing the proposal, the Proposer further declares that no City Commission Member, other City officer, or City employee directly or indirectly owns more than five (5) percent of the total assets or capital stock of the Proposer entity, nor will directly or indirectly benefit by more than five (5) percent from the profits or emoluments of this contract.

5.8 FISCAL YEAR FUNDING APPROPRIATIONS/SPECIFICIED PERIOD

Unless otherwise provided by law, a contract for supplies or services may be entered into for any period of time deemed to be in the best interest of the City, provided the term of the contract and conditions of renewal or extension, if any, are included in the

solicitation and funds are available for the first fiscal period at the time of contract. Payment and performance obligations for succeeding fiscal periods shall be subject to appropriation by City Commission for funds.

5.9 PUBLIC ENTITY CRIMES

A person or affiliate, as defined in §287.133 of the Florida Statutes, who has been placed on the convicted Proposer list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a proposer, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in §287.01 of the Florida Statutes for CATEGORY TWO, for a period of 36 months from the date of being placed on the convicted Proposer list.

5.10 FLORIDA PROMPT PAYMENT ACT

For purposes of billing submission and payment procedures, a "proper invoice" by a proposer, Contractor or other invoicing party shall consist of at least all of the following:

- ✓ A description (including quantity) of the goods and/or services provided to the City (or a party on behalf of the City) reasonably sufficient to identify it (or them);
- ✓ The amount due, applicable discount(s), and the terms thereof;
- ✓ The full name of the Contractor or other party who is supplying the goods and/or services including a mailing address in case of a dispute and a mailing address for payment purposes (if they are different) and a telephone number.

5.11 INSURANCE REQUIREMENTS

Proposers must submit with their proposal, Proof of Insurance, meeting or exceeding the following requirements.

5.11.1 The highest ranked Proposer shall secure and maintain, at its own expenses, and keep in effect during the full period of the contract a policy or policies of insurance, which must include the following coverage and minimum limits of liability:

- (a) **Worker's Compensation and Employer's Liability Insurance** for all employees of the highest ranked Proposer engaged in work under the Contract in accordance with the laws of the State of Florida. The highest ranked Proposer shall agree to be responsible for the employment, control and conduct of its employees and for any injury sustained by such employees in the course of their employment.

- (b) **Comprehensive General Liability Insurance** with the following minimum limits of liability:
 \$ 1,000,000.00 Combined Single Limit, Bodily Injury and Property Damage Liability per occurrence

Coverage shall specifically include the following minimum limits not less than those required for Bodily Injury Liability and Property Damage to include:

- (1) Premises and Operations;
- (2) Independent Contractors;
- (3) Products and Completed Operations;
- (4) Broad Form Property Damage;
- (5) Broad Form Contractual Coverage applicable to the Contract and specifically confirming the indemnification and hold harmless agreement in the Contract;
- (6) Personal Injury Coverage with employment and contractual exclusions removed and deleted.

- (c) **Comprehensive Automobile Liability Insurance** for all owned, non-owned and hired automobiles and other vehicles used by the Contractor in the performance of the work with the following minimum limits of liability:

\$ 1,000,000.00 Combined Single Limit, Bodily Injury and Property Damage Liability per occurrence

5.11.2 ALL LIABILITY INSURANCE POLICIES SHALL SPECIFICALLY PROVIDE THAT THE CITY OF BELLE ISLE SHALL BE NAME AND LISTED AS AN ADDITIONAL INSURED. Insurance Companies selected must be acceptable to City. All of the policies of insurance so required to be purchased and maintained shall contain a provision or endorsement that the coverage afforded shall not be canceled, materially changed or renewal refused until at least thirty (30) calendar days written notice or such other notice as is required by the policy has been given to City by certified mail. Additionally, in the event the Contractor receives notice of cancellation from its insurance company, the Contractor shall deliver a copy of such notice to the City within five (5) business days of the receipt of such notice of cancellation.

5.11.3 The Contractor shall ensure that any company issuing insurance to cover the requirements contained in this Contract agrees that they shall have no recourse against City for payment or assessments in any form on any policy of insurance.

5.11.4 The Contractor shall not commence work under the Contract until obtaining all of the minimum insurance herein described.

5.11.5 The Contractor agrees to perform the work under the Contract as an

independent contractor, and not as a subcontractor, agent or employee of the City.

5.11.6 The required insurance coverage shall be issued by an insurance company authorized and licensed to do business in the State of Florida, with the minimum rating of B+ or better, in accordance with the latest edition of A.M. Best's Insurance Guide.

5.11.7 The highest ranked Proposer must submit, no later than ten (10) days after award and prior to commencement of any work, a Certificate of Insurance naming the City of Belle Isle as additional insured.

5.12 CODE OF ETHICS

If any Proposer violates the Code of Ethics of the City of Belle Isle or the State of Florida with respect to this proposal, such Proposer may be disqualified from performing the work and future work for the City.

5.13 PATENTS, ROYALTIES AND COPYRIGHT

The Proposer, without exception, shall defend, indemnify and save harmless the City of Belle Isle, Florida and its employees from any action, proceeding liability of any nature or kind, including cost and expenses for, or on account of, any copyrighted, patented, or unpatented invention, process, or article manufactured or used in the performance of the contract, including its use by the City of Belle Isle, Florida.

If the bidder uses any design, device or materials covered by letters, patent, or copyright, it is mutually understood and agreed, without exception, that the Bid prices shall include all royalties or cost arising from the use of such design, device, or materials in any way involved in the work.

5.14 INDEMNIFICATION

5.14.1 GENERAL INDEMNIFICATION: To the fullest extent permitted by laws and regulations, the highest ranked Proposer shall indemnify, defend, save and hold harmless the CITY, its officers, agents, elected and appointed officials, and employees, harmless from any and all claims, damages, losses, liabilities and expenses, direct, indirect or consequential arising out of or in consequential arising out of or alleged to have arisen out of or in consequence of the products, goods or services furnished by or operations of the highest ranked Proposer or his subcontractors, agents, officers, employees or independent contractor pursuant to or in the performance of the Contract.

5.14.2 The highest ranked Proposer shall pay all claims, losses, liens, settlements or judgments of any nature whatsoever in connection with the foregoing indemnifications including, but not limited to, reasonable attorney's fees (including appellate attorney's fees) and costs.

5.14.3 City reserves the right to select its own legal counsel to conduct any defense in any such proceeding and all costs and fees associated therewith shall be the responsibility of successful Proposer under the indemnification agreement. Nothing contained here the highest ranked in is intended nor shall it be construed to waive CITY's rights and immunities under the common law or Florida Statute 768.28 as amended from time to time.

5.15 WARRANTIES

5.15.1 Contractor warrants to City that the consummation of the work provided for in the Contract documents will not result in the breach of any term or provision of, or constitute a default under any indenture, mortgage, contract, or agreement to which successful Proposer is a party.

5.15.2 Contractor warrants to City that it is not insolvent, it is not in bankruptcy proceedings or receivership, nor is it engaged in or threatened with any litigation, arbitration or other legal or administrative proceedings or investigations of any kind which would have an adverse effect on its ability to perform its obligations under the Contract.

5.15.3 Contractor warrants to City that it will comply with all applicable federal, state and local laws, regulations and orders in carrying out its obligations under the Contract.

5.15.4 All warranties made by Contractor together with service warranties and guaranties shall run to City and the successors and assigns of City.

5.16 PUBLIC RECORDS

The City of Belle Isle is public agency subject to Chapter 119, Florida Statutes. The Contractor shall comply with Florida's Public Records Law. Specifically, the Contractor shall:

5.16.1 Keep and maintain public records required by the CITY to perform the service;

5.16.2 Upon request from the CITY's custodian of public records, provide the CITY with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in chapter 119, Fla. Stat., or as otherwise provided by law;

5.16.3 Ensure that public records that are exempt or that are confidential and exempt from public record disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and, following completion of the contract, Contractor shall destroy all copies of such confidential and exempt records remaining in its possession after once the Contractor transfers the records in its possession to the CITY; and

5.16.4 Upon completion of the contract, Contractor shall transfer to the CITY, at no cost to the CITY, all public records in Contractor's possession. All records stored electronically by Contractor must be provided to the CITY, upon request from the

CITY's custodian of public records, in a format that is compatible with the information technology systems of the CITY.

- 5.16.5** The failure of Contractor to comply with the provisions set forth in the Agreement shall constitute a Default and Breach of the Agreement, for which, the City may terminate the Agreement.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT

**CITY CLERK
1600 NELA AVENUE
BELLE ISLE, FLORIDA 32809
(407) 851-7730
YQUICENO@BELLEISLEFL.GOV**

ATTACHMENT A

NON-DISCRIMINATION AFFIDAVIT

I, the undersigned, hereby duly sworn, depose and say that the organization or business entity represented herein shall not discriminate against any person in its operations, activities or delivery of services under any agreement it enters into with the City of Belle Isle. The same shall affirmatively comply with all applicable provisions of federal, state and local equal employment laws and shall not engage in or commit any discriminatory practice against any person based on race, age, religion, color, gender, sexual orientation, national origin, marital status, physical or mental disability, political affiliation or any other factor which cannot be lawfully used as a basis for service delivery.

It is the policy of the City of Belle Isle that Minority/Women - Owned Business Enterprises (MWBE) shall have the maximum opportunity to participate in all contracts. The City of Belle Isle will accept MWBE certifications from Orange County and any State of Florida certification.

Further, City Purchasing Police Section 1.8 requires that all contracting agencies of the City, or any department thereof, acting for or on behalf of the City, shall include in all contracts and property contracts hereinafter executed or amended in any manner or as to any portion thereof, a provision obligating the contractor not to unlawfully discriminate (as proscribed by federal, state, county, or other local law) on the basis of the fact or perception of a person’s race, color, creed, religion, national origin, ancestry, sexual orientation, gender identity or expression, marital status, pregnancy, familial status, veterans status, political affiliation, or physical or mental disability and such person’s association with members of classes protected under this chapter or in retaliation for or opposition to any practices forbidden under this chapter against any employee of, any City employee working with, or applicant for employment with such contractor and shall require such contractor to include a similar provision in all subcontracts executed or amended there under.

By: _____

Title: _____

STATE OF FLORIDA
COUNTY OF _____

Sworn to and subscribed before me this ___ day of _____, 2022, by
_____.

Signature of Notary Public

____ Personally known, or
____ Produced Identification

Type of ID Produced

ATTACHMENT B

NON-DEBARMENT AFFIDAVIT

_____ Being first duly sworn, deposes and says that:

He/She is _____ of _____ the Proposer (“Respondent”) that has submitted the attached Proposal. By offering a submission to this RFP, the Respondent certifies and affirms that to the best of his/her knowledge and belief, that:

1. The Respondent is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in any transaction of any Federal, state or local agency; and
2. The Respondent has not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records; making false statements; or receiving stolen property; and
3. The Respondent is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 2 of this affidavit; and
4. The Respondent has not within a three-year period preceding this proposal had one or more public transactions(Federal, State or local) terminated for cause or default; and
5. The Respondent will submit a revised Debarment Affidavit immediately if the status changes.

If the Respondent cannot certify that he/she is not debarred, he/she shall provide an explanation with this submittal. An explanation will not necessarily result in denial of participation in a contract. Failure to submit a debarment affidavit will disqualify the contractor from the award of any contract.

_____ Check here if an explanation is attached to this affidavit.

By: _____

Print Name: _____

Title: _____

Date: _____

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing Agreement was acknowledged before me this ____ day of _____, 2022, by _____, who has affirmed that he/she has been duly authorized to execute the above document. He/she is personally known to me or has produced _____ as identification.

NOTARY'S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

Name of Acknowledger, typed, printed, or Stamped

ATTACHMENT C

DRUG-FREE WORKPLACE CERTIFICATION

Preference must be given to vendors submitting a certification with their bid/proposal certifying they have a drug-free workplace in accordance with Section 287.087, Florida Statutes. This requirement affects all public entities of the State and becomes effective January 1, 1991. The special condition is as follows:

IDENTICAL TIE BIDS - Preference shall be given to businesses with drug-free workplace programs. Whenever two or more bids which are equal with respect to price, quality, and service are received by the State or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program, a business shall:

- 1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
- 2) Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
- 3) Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
- 4) In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
- 5) Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
- 6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

COMPANY NAME

VENDOR'S SIGNATURE

Must be executed and returned with attached proposal to be considered.

ATTACHMENT D

NON-COLLUSIVE AFFIDAVIT

State of _____)

County of _____)

_____ being first duly sworn deposes and says that:

(1) He/she is the _____, (Owner, Partner, Officer, Representative or Agent) of _____ the Proposer that has submitted the attached Proposal;

(2) He/she is fully informed respecting the preparation and contents of the attached Proposal and of all pertinent circumstances respecting such Proposal;

(3) Such Proposal is genuine and is not a collusive or sham Proposal;

(4) Neither the said Proposer nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Proposer, firm, or person to submit a collusive or sham Proposal in connection with the Work for which the attached Proposal has been submitted; or to refrain from proposing in connection with such Work; or have in any manner, directly or indirectly, sought by agreement or collusion, or communication, or conference with any Proposer, firm, or person to fix the price or prices in the attached proposal or of any other Proposer, or to fix any overhead, profit, or cost elements of the Proposal price or the Proposal price of any other Proposer, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against (Recipient), or any person interested in the proposed Work;

(5) The price or prices quoted in the attached Proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Proposer or any other of its agents, representatives, owners, employees or parties in interest, including this affiant.

By: _____

Title: _____

Company: _____

STATE OF FLORIDA
COUNTY OF _____

Sworn, to and subscribed before me this ____ day of _____, _____,

by _____.

Signature of Notary Public

____ Personally known, or
____ Produced Identification

Type of ID Produced

ATTACHMENT E

CERTIFICATION PURSUANT TO FLORIDA STATUTE § 287.135

I, _____, on behalf of _____

Print Name and Title

Company Name

certify that _____ does not:

Company Name

- 1. Participate in a boycott of Israel; and
2. Is not on the Scrutinized Companies that Boycott Israel List; and
3. Is not on the Scrutinized Companies with Activities in Sudan List; and
4. Is not on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List; and
5. Has not engaged in business operations in Syria.

Submitting a false certification shall be deemed a material breach of contract. The City shall provide notice, in writing, to the Contractor of the City's determination concerning the false certification. The Contractor shall have ninety (90) days following receipt of the notice to respond in writing and demonstrate that the determination of false certification was made in error. If the Contractor does not demonstrate that the City's determination of false certification was made in error then the City shall have the right to terminate the contract and seek civil remedies pursuant to Florida Statute § 287.135.

Section 287.135, Florida Statutes, prohibits the City from: 1) Contracting with companies for goods or services in any amount if at the time of bidding on, submitting a proposal for, or entering into or renewing a contract if the company is on the Scrutinized Companies that Boycott Israel List, created pursuant to Section 215.4725, F.S. or is engaged in a boycott of Israel; and

2) Contracting with companies, for goods or services over \$1,000,000.00 that are on either the Scrutinized Companies with activities in the Iran Petroleum Energy Sector List, created pursuant to s. 215.473, or are engaged in business operations in Syria.

As the person authorized to sign on behalf of the Contractor, I hereby certify that the company identified above in the section entitled "Contractor Name" does not participate in any boycott of Israel, is not listed on the Scrutinized Companies that Boycott Israel List, is not listed on either the Scrutinized Companies with activities in the Iran Petroleum Energy Sector List, and is not engaged in business operations in Syria. I understand that pursuant to section 287.135, Florida Statutes, the submission of a false certification may subject the company to civil penalties, attorney's fees, and/or costs. I further understand that any contract with the City for goods or services may be terminated at the option of the City if the company is found to have submitted a false certification or has been placed on the Scrutinized Companies with Activities in Sudan list or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List.

COMPANY NAME

PRINT NAME

TITLE

SIGNATURE

Must be executed and returned with attached proposal to be considered

Belle Isle Issues Log
11/15/22

a.

Issue	Synopsis	Start Date	Next steps
Traffic Issues/Projects	Increased traffic in and through Belle Isle prompted the Council adopt Traffic Master Plan and work on traffic calming issue.	4/3/2017	City working with MMI for improvements to Judge Road (Gateway Landscaping and restriping). Funds budgeted in FY2022-2023 Budget to hire a consultant to assist in developing traffic plan. Orange County Traffic will evaluate in-road lighting system. If they approve, then the City can apply for a permit to install the system at the Hoffner/Monet crosswalk. Orange County approved the use of in-road lighting for the Hoffner/Monet crosswalk. Agenda Item to Create Transportation Advisory Committee and RFP being developed for Traffic Consultant. City to apply for permit to install in-road lighting at RRFB on Hoffner at Monet. CM directed BIPD to start crosswalk enforcement on Hoffner and Daetwyler crosswalks.
Wallace Field	City purchased large area at Wallace/Matchett for open space. City zoned it for open space. City/CCA have an agreement for development including installing artificial turf, public restrooms, storage, and parking. CCA responsible for development.	2/1/2021	CCA to submit SJWMD Application for Environmental Resource Permit. SJWMD permit was approved. Waiting for CCA Engineer and designer to contact the City with next step. Site Plan is on hold at this time to determine the future use of Wallace Field. CM is requesting Council workshop to review potential sites for new City Facilities (Police/EOC/City Hall). CCA contacted City and would like to start the development process.
City acquisition of Property	Council discussed possibility of acquiring parcels within the City and directed City staff look at options on how to acquire property.	NA	Consultant provided a first draft of the cost of a new combined police/EOC/City Hall facility. CM is requesting Council workshop to review potential sites for new City Facilities (Police/EOC/City Hall). After workshop, Council directed CM to look at selected properties. Update at 11/15/22 meeting
Charter School Expansion	With Lease signed, CCA is moving forward with financing. Expect to close on the financing in June. CCA expected to apply for PD zoning.	3/3/2022	Waiting for CCA Refinancing and Zoning application. Agenda item to amend the lease. Meeting set up (7/14) between City and CCA teams to discuss expansion and move forward with the CCA Master Plan (cancelled). PD Pre-Application meeting held. Waiting on CCA to schedule Community Meetings and revise site plan in response to pre-application meeting

Belle Isle Issues Log
11/15/22

a.

Municipal Code Update	The City Council contracted with a planner to update the municipal code. There are sections of the BIMC that need to be updated. This is an on-going process.	4/3/2017	6 month moratorium on Artificial Turf in effect. Code Enforcement and CM met on suggestions to change the general ordinances. P&Z Meeting Update on Artificial Turf by City Planner. Continue with moratorium, Planner is developing community survey and questionnaire for other local governments on the use of artificial turf. Agenda Item.
Comp Plan Updates	The comp plan is reviewed every 7 years to see if it needs to be updated. The City Council contracted with a planner to update the comprehensive plan.	3/1/2017	Next plan review and changes are to be done in 2024. Funds budgeted in FY2022-2023 Budget to hire a consultant to assist in developing Comp Plan update. City staff developing RFP for consultant. Advisory Board created by Council. Committee openings advertised. Applications due by December 8, 2022.
Annexation	Council discussed the desire to annex contiguous property in order to build the tax base and possibly provide more commercial development in Belle Isle.	4/3/2017	Sienna Place is now in the City. Staff met with HOA President. CM will continue to contact Brixmor. Welcome Packet distributed and posted. Sienna Place Annexation closed. Brixmor (Publix) Annexation on hold (update in October). Direction from Council needed on next area, if any, to look at annexing. Meeting being set up with Brixmor. Reviewing other areas that might benefit the City.
Lake Conway Issues	Residents have complained that Lake Conway is unsafe due to speeding and reckless actions by some vessels. Council would like more local control over the lake.	6/1/2019	Met with FWC Officials and Orange County Personnel on Lake issues. City and County will work toward a joint document for lake issues. County adopted Phase I of a new ordinance on May 24. Belle Isle is Phase II of the process. Presentation made to Nav Board on Sandbar exclusions and kayak trail. City Manager and Police Chief met with citizens to discuss sand bar issues. Suggest Council hold a workshop to further discuss Sand Bar issues and hear comments from public. Update to be given by Chief Houston. See New Issues added below
Lancaster House		2/5/2019	CCA voted to request demolition of the Lancaster House. Council denied request for house demolition and directed CM, Comm. Partin, and CA to negotiate new lease terms with CCA. CCA stated they cannot change the terms of the lease while going through financing. No update.
Weed Management	Many residents have complained about the proliferation of weeds in the lake. The weeds are causing damage to vessels and some large "weed mats" are considered Navigational Hazards.	11/1/2022	The City submitted an application to the FWC for a permit to look at mechanical harvesting of the lake weeds. The application was submitted for managing the weeds in the middle and south lobes from shore out to 500 feet. FWC is reviewing the permit and asked for additional information.