



# city council agenda

**Agenda**  
**March 06, 2018 \* 6:30 PM**  
**City Council Meeting**  
**City Hall Chambers, 1600 Nela Avenue, Belle Isle**

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

## Welcome

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

1. Call to Order and Confirmation of Quorum

2. Invocation and Pledge to Flag - Mike Sims, Commissioner District 4

3. Consent Items

- a. Proclamation: Declaring the Month of March as Problem Gambling Awareness Month – Page 3
- b. Proclamation: Declaring the Month of April as Water Conservation Month – Page 4
- c. Approval of the City Council combined Workshop and City Council meeting minutes for February 20, 2018 – Page 5

4. Citizen's Comments

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

5. Unfinished Business

- a. ORDINANCE 18-01: SECOND READING AND ADOPTION - An Ordinance of the City of Belle Isle, Florida, amending the City's Land Development Code to add a new section 54-84 creating an Open Space Land Use and Zoning Classification; Providing for the intent and purpose of the classification; Providing for definitions; Providing for permitted uses, special exceptions, prohibited uses, development standards, and general requirements; providing for severability, conflicts, codification and an effective date. - Page 10

6. New Business

- a. ORDINANCE 18-02: Tree Ordinance Discussion - An ordinance of the City of Belle Isle, Florida, Amending the Belle Isle Land Development Code, Chapter V, Article B, Section 2 – Tree Protection; Providing Severability; and providing an effective date. - Page 18
- b. Approval of Canvassing Board Criteria and to allow the Elections Office to open the Vote-By-Mail Ballots – Page 24

7. Attorney's Report

8. City Manager's Report

- a. Issues Log – Page 27
- b. FEMA update
- c. Chief's report

---

"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 30

9. Mayor's Report

- a. Rental Ordinance discussion regarding short term rentals in owner occupied homes
- b. Discussion of recent City of Orlando ordinance regarding Social Media Threats
- c. Legislative update
- d. Approval of Arbor Day/Streets Clean Up Day Event
- e. Approval of date only for a Community Adult event
- f. School Safety meeting 3/14 at 5:30pm
- g. WaWa Grand Opening March 15th at 10am

10. Council Reports

11. Adjournment

# CITY OF BELLE ISLE



## Proclamation

### PROBLEM GAMBLING AWARENESS MONTH

- WHEREAS, The City of Belle Isle has recognized March 2018 as Problem Gambling Awareness Month to demonstrate its support in addressing problem gambling and the initiative of the Florida Council on Compulsive Gambling in bringing awareness to the issues surrounding problem gambling in our community; and
- WHEREAS, problem gambling is a serious public health issue which impacts family, friends, and businesses with significant societal and economic costs, affecting more than one million Floridians of all ages, races, and ethnic backgrounds in all communities; and
- WHEREAS, it is estimated that more than 6 million people of every age, race, ethnicity, and socio-economic status suffer from problem gambling and need treatment; and
- WHEREAS, the issue of problem gambling is a community issue, as 8-10 people are affected for every one problem gambler and conservative estimated social costs are \$7 Billion annually; and
- WHEREAS, educating the public about how problem gambling affects everyone in the community, including youth, older adults, and families, is essential if we are to be proactive about this problem; and
- WHEREAS, the Florida Council on Compulsive Gambling's 2018 Shine the Light on Problem Gambling-The Hidden Addiction awareness campaign provides an opportunity for the public, policymakers, educators, businesses, mental health, criminal justice professionals, the gaming industry, and others, to make known the adverse effects of problem gambling, as well as available treatment; and
- WHEREAS, any individual, professional, or organization whom is dedicated to assisting those in need can participate in raising awareness and treating problem gambling by promoting the statewide 24- hour Help Line, 888-Admit-It.

NOW, THEREFORE, I, Mayor Lydia Pisano, of The City of Belle Isle, do hereby proclaim the month of March 2018 as **Problem Gambling Awareness Month.**

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Seal of the City of Belle Isle to be affixed this 6<sup>th</sup> day of March, 2018

Attest:

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

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

# CITY OF BELLE ISLE



## Proclamation

City of Belle Isle

Water Conservation Month – April 2018

- Whereas,* water is a basic and essential need of every living creature; and
- Whereas,* The State of Florida, Water Management Districts and the City of Belle Isle, FL are working together to increase awareness about the importance of water conservation; and
- Whereas,* the City of Belle Isle, FL and the State of Florida has designated April, typically a dry month when water demands are most acute, Florida's Water Conservation Month, to educate citizens about how they can help save Florida's precious water resources; and
- Whereas,* the City of Belle Isle, FL has always encouraged and supported water conservation, through various educational programs and special events; and
- Whereas,* every business, industry, school and citizen can make a difference when it comes to conserving water; and
- Whereas,* every business, industry, school and citizen can help by saving water and thus promote a healthy economy and community; and

**NOW, THEREFORE, be it resolved that** by virtue of the authority vested in me as Mayor of the City of Belle Isle do hereby proclaim the month of April as Water Conservation Month. The City of Belle Isle, Florida is calling upon each citizen and business to help protect our precious resource by practicing water saving measures and becoming more aware of the need to save water.

**In Witness Whereof,** I hereunto have set my hand and caused the Seal of the City of Belle Isle to be affixed this 6th day of March, 2018.

Attest:

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

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



# city council minutes

## MINUTES February 20, 2018 City Council Combined Session: Workshop 5:30pm Regular Session 6:30pm

The Belle Isle City Council met in a combined session on February 20, 2018 at 6:30 p.m. at the Pine Castle United Methodist Church located at 731 Fairlane Avenue, Orlando, FL 32809.

Present was:

Mayor Lydia Pisano  
Vice Mayor/Commissioner Harvey Readey  
Commissioner Gold  
Commissioner Anthony Carugno  
Commissioner Jeremy Weinsier  
Commissioner Mike Sims  
Commissioner Alexa Dowlen  
Commissioner Sue Nielsen

Absent was:

N/A

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

### City Council Workshop

#### **CALL TO ORDER**

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

Attorney Ardaman provided Council with a Memorandum and Power Point handout regarding the Government in the Sunshine Law and its application to the Belle Isle City Council and persons elected to the City Council who have not yet taken office. He then proceeded with an overview of the basic requirements of Section 286.011 of the Florida Statutes, exparte communication, quasi judicial proceedings, competent substantial evidence and voting conflicts.

In addition Attorney Ardaman spoke on the mis-use of position, gifts and financial disclosure and the penalties for violating Sunshine Law. In conclusion, Attorney Ardaman spoke on public records retention, maintenance of documents on private and personnel property and the required yearly Ethics class for all members. He further stated and highly recommended that elected officials do not send one-way communication with any other member on Council.

Mayor Pisano opened for Council questions and answers. After a brief discussion, the Workshop was adjourned at 6:30pm. The Mayor called for a 5-minute recess before commencement of the City Council Regular Session.

### City Council Regular Session

#### **CALL TO ORDER**

Mayor Pisano called the regular session to order at 6:45pm and the City Clerk confirmed quorum. Comm Weinsier gave the invocation and led the Pledge to the flag.

**CONSENT ITEMS** – No Items.

## CITIZEN COMMENTS

Mayor Pisano opened for citizen comments.

- Gretchen Bradford residing at 2235 Hoffner Avenue waived her time to Bo Bradford. Mr. Bradford shared his concern and blatant disregard of the Sunshine Laws and acknowledgment admitted to the illegal underground meetings addressed in the State Attorney's Report.
- Wendy Ziegler residing at 2231 Hoffner Avenue shared her concerns with alleged Sunshine Law violations stated in the State Attorney's report. She is deeply concerned about the secret society that was created to sway the voters of the City.
- Megan Judd residing at 5867 Cove Drive shared her concerns with the findings in the State Attorneys Report. She stated that some of the Council Members and the Mayor grossly violated the parameters that a government needs to function properly.
- David Evertsen residing at 5131 St. Michael Avenue shared his concerns with the findings in the State Attorney's report. For the record, he stated that he is not the person that sent out the anonymous letter. He did state that the letter he sent to the Council and Mayor has been posted to his Facebook page. He said the findings in the report are very upsetting and asked if there is no public trust how can the City get it back.
- Patricia Reed residing at 1748 Colleen Drive shared her concerns with the State Attorneys report and is also appalled with the findings and someone should be held accountable. She believes however, that the Mayor was not part of the secret society and believes she had the best interest at heart.
- Gretchen Bradford residing at 2235 Hoffner Avenue stated that the previous speaker stated before the start of the meeting that she was going to speak last to defend Mayor Pisano. She asked if that would that not be a form of collusion.

There being no further comments, Mayor Pisano closed citizen comments.

## UNFINISHED BUSINESS

- a. Approval of Forensic Audit Bid - Bob Francis said the City received two proposals from qualified firms. The City Council tabled the decision on which firm to hire until the City staff had the opportunity to review both proposals and determine what years the City Council may want to have audited. Mr. Francis recommended approval of the Clifton Larson Allen proposal for the years of 2009-2017.

**Comm Weinsier motioned to approve the Clifton Larson Allen proposal for the years 2009-2017.**

**Comm Nielsen seconded, unanimously approved.**

- b. Review of Open Space Zoning District Ordinance – Mr. Francis provided a draft Open Space Zoning Ordinance for review and first reading. He said the only zoning classification in the Belle Isle Municipal Code for public building is PUIB. As requested by Council, he amended the ordinance to include an open space classification which will provide for open space and be more stringent in protecting those areas that the City will want to preserve strictly for open space initiatives.

**Comm Carugno motioned to approve Ordinance 18-01 as presented for first reading and consideration.**

**Comm Nielsen seconded the motion for first reading and discussion.**

Attorney Ardaman read Ordinance 18-01 by Title for First Reading and Consideration as follows: An Ordinance of the City of Belle Isle, Florida, amending the City's Land Development Code to add a new section 54-84 creating an Open Space Land Use and Zoning Classification; Providing for the intent and purpose of the classification; Providing for definitions; Providing for permitted uses, special exceptions, prohibited uses, development standards, and general requirements; providing for severability, conflicts, codification and an effective date.

Comm Carugno asked if this ordinance will include all City parks. Mr. Francis said once the open space designation passes the City Staff will bring forward for approval re-designation of all the existing City parks to open space.

Comm Nielsen said this draft ordinance allows a building on open space property and asked if can be removed or amended because a building should not be allowed on an open space designated area. Mr. Francis said the purpose of this amendment is to allow a maintenance or utility shed to be used in conjunction with the property not necessarily a building or office space. Comm Nielsen asked that the height be amended to be no more than 20 feet.

**After discussion, Comm Nielsen motioned to amend the 35 ft of the building height to be no more than 20 ft and approve Ordinance 18-01 for second reading and adoption.**

**Comm Sims seconded the amendment and approved Ordinance 18-01 for second reading and adoption.**

**The motion was approved unanimously upon roll call 7:0.**

<b>Comm Gold</b>	<b>aye</b>
<b>Comm Carugno</b>	<b>aye</b>
<b>Comm Weinsier</b>	<b>aye</b>
<b>Comm Sims</b>	<b>aye</b>
<b>Vice Mayor Readey</b>	<b>aye</b>
<b>Comm Dowlen</b>	<b>aye</b>
<b>Comm Nielsen</b>	<b>aye</b>

- c. Appeal of Florida Wildlife Commission Decision on Bird Sanctuary – Mr. Francis reported that the City has received a letter from the Florida Wildlife Commission (FWC) denying the City’s application for a bird sanctuary. There were certain parameters that needed to be met and the City Attorney appealed the decision per Council direction. Attorney Ardaman reported that the denial of the original request was passed by the Executive Director not the FWC Commission. In the rules that govern the Conservation Commission the Executive Director was delegated the authority to do so and the denial was effective. The City submitted a petition for a formal administrative hearing to challenge the denial. Attorney Ardaman stated that the process is a painful process and expensive and recommended that the City hire experts and schedule an executive session with Council to discussed litigation expenditures.

**NEW BUSINESS**

- a. Request For Proposal: City-Wide Traffic Study – Mr. Francis provided a Traffic Management Plan for a City-wide traffic study which is important as the City starts to plan the annexation process. The study will encompass the City and will estimate around \$75,000. Mr. Francis asked for approval of the Request for Proposal and advertisement.

**Comm Nielsen motioned to approve the Request for Proposal and advertisement.**

**Comm Sims seconded the motion which was unanimously approved 7:0.**

- b. Approval of Easter Egg Hunt – Mr. Francis provided an overview budget ~~report~~ report which shows the City’s in-kind services for past events and the Easter Egg Hunt. The Council approved the date only of March 31st at the last meeting for the Easter Egg Hunt. Council was provided with an updated Easter Egg Hunt budget as required to start soliciting for the event. Mr. Francis stated that the total budget for the Easter Egg Hunt will be approximately \$1,515.00 but because of the in-kind services and sponsors there will not be any funds allocated out of the Special Events funds. Discussion ensued on set up and parking access.

**Comm Dowlen motioned to approve the budget for the Easter Egg Hunt as presented.**

**Comm Carugno seconded the motion which was unanimously approved 7:0.**

**ATTORNEY’S REPORT**

Attorney Ardaman gave a brief overview of the Constitution Revision Commission proposals up for review and approval.

**CITY MANAGER’S REPORT**

- a. Reports of Holiday Events - Mr. Francis provided an after action report on the previous event which have been reviewed by the Special Events Committee. The reports are a compilation of information from different events and recommendations to ensure a future successful and safe event.
- b. Candidate Forum Update - Mr. Francis Reported that the Candidate Forum for District 6 will be held on March 1<sup>st</sup> from 6-8pm at the Woman’s Club. Marilyn Crotty has accepted to be moderator for the forum.
- c. Report on NAV Board Meeting – Mr. Francis provided a synopsis of the February 13<sup>th</sup>, 2018 Lake Conway navigation Board meeting. A couple of the interesting items that were discussed were the PD stipend, stormwater outfall at Lake Conway Estates and Street Sweeping Assessment. On a separate issue, Mr. Francis briefly spoke of the concerns around the steps going to the Lake at the Sunoco station on Daetwyler. Discussion ensued on the safety concerns on the Lake and asked that the City request the NAV Board for an increase in marine patrol.

Comm Carugno asked if the City is still considering the use of Mr. Comins boat because it still has the city logos. Mr. Francis stated that Mr. Comins pulled back his offer and will donate to a different charity. Mr. Francis said he will request that Mr. Comins remove the Belle Isle insignia on that boat.

- d. Issues Log – Mr. Francis provided an updated issues log and highlighted the renovation of the Perkins Boat Ramp and Venetian Park. He will provide a capital facilities improvement plan for CCA at a future meeting.

- e. Chief's Report - Deputy Chief Grimm said based on the additional activity on the Lake the Agency will be submitted approval for two additional marine patrol officers on next year's budget. Council consensus was to move forward with the request.

#### **MAYOR'S REPORT**

- a. AIRBnB - Mayor Pisano reported from her trip to Tallahassee. She briefly spoke on Home Rule and AIRBnB update. She stated that the City of Orlando has passed an Ordinance addressing AIRBnB. She would like to add the AIRBnB ordinance update for discussion at the next agenda. Council consensus was to add the item for discussion.
- b. Tri County League Luncheon update – Mayor Pisano thanked everyone for their support of the Tri County Luncheon hosted by the City of Belle Isle.

#### **COUNCIL REPORTS**

##### **Comm Gold - District 1**

Comm Gold shared his view on the State Attorney report and stated in an effort to restore public trust is to request the City Attorney to look into an audit on the current Council for charter violations, violations of US Law and Florida Law. The report states "possible violations" and said there was nothing illegal or secret. Attorney Ardaman suggested Council to obtain outside Counsel if they want to move forward with the request.

##### **Comm Carugno – District 2**

Comm Carugno asked for clarification o the process to move forward to repairing a dirt road. Mr. Francis stated that the City would initiate a work criterion and consult with the City Engineer. He further asked for an update on annexation and access roads. Mr. Francis said that discussion and questions will be addressed at the next annexation meeting.

##### **Comm Weinsier – District 3**

Comm Weinsier shared his concern with the State Attorney's report and agreed with many of the residents' concerns with the allegations. He apologized and would like to take responsibility for any Sunshine Law violation he may have committed. Comm Weinsier read a brief response to the findings and provided a copy for the record.

##### **Comm Readey – District 5**

Vice Mayor Readey spoke on options for energy sources in generating one's own power in the future.

##### **Comm Sims – District 4**

Comm Sims thanked and shared the comments by Council on the State Attorney's report. He stated as the new Commissioner he has not seen any violations happening and no inappropriate conversations between commissioners. He spoke briefly on conflicts of interest and imminent domain as addressed in the workshop.

##### **Comm Dowlen – District 6**

Comm Dowlen asked if it was possible to get a schedule for street sweeping in the City. She also asked if there is an update on the social media position. Mr. Francis said he has not heard back from the school and will re-advertise the position. She further reported on the Police Department proactive approach to reassuring the parents of the school that it is safe to go to school.

##### **Comm Nielsen – District 7**

Comm Nielsen asked if the covers of the storm sewer are going to be pressure washed and the signs are going to be replaced at Windsor Place.

**Comm Gold motioned if the summary read by Comm Weinsier be posted to the City's website.**

**Comm Sims seconded which was unanimously approved 7:0. Attorney Ardaman said he would like to ensure that it is consistent with the City's policy. Comm Gold restated his motion to include that the posting be contingent only if it is consistent to the City's website policy or it can be added to the minutes in its entirety. Comm Sims agreed and seconded the amendment which was unanimously approved 7:0.**



Mayor Pisano opened public comment and recognized Karl Shuck.

Mr. Shuck stated if Comm Weinsier's summary is going to be allowed to be placed on the website it should be attributed to Comm Weinsier. He further believes the whole report by the State Attorney should also be posted to allow everyone the opportunity to make their own opinion. Council consensus was to post all reports.

**ADJOURNMENT**

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

Yolanda Quiceno, CMC, City Clerk

DRAFT



1  
2 NOW, THEREFORE BE IN ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE,  
3 FLORIDA, AS FOLLOWS,  
4

5 **Section 1. Recitals**

6 The foregoing recitals are hereby ratified and confirmed as being true and correct  
7 and are hereby made a part of this ordinance.  
8

9 **Section 2. Purpose of Open Space Land Use Classifications**

10 The open space district is primarily intended to help protect environmentally  
11 sensitive natural systems, preserve major open spaces, and provide for  
12 passive recreational needs of the city. Permitted uses are restricted to  
13 those with low-intensity characteristics, designed to protect open tracts of  
14 land that are owned by municipal, state, or federal governments.  
15

16 **Section 3. Land Development Code Amendment**

17 Chapter 54, Article III of the City Land Development Code is hereby amended to add  
18 a new Section 54-84, as follows:

19 Sec. 54-84. - Open Space District.

20 a) Intent and purpose of district. The open space district is  
21 primarily intended to help protect environmentally sensitive natural  
22 systems, preserve major open spaces, and provide for passive  
23 recreational needs of the city. Permitted uses are restricted to those  
24 with low-intensity characteristics, designed to protect open tracts of  
25 land that are owned by municipal, state, or federal governments.

1           b) Definitions: The following definitions apply to the open space  
2           district:

3           1) Active Recreation: Active recreation is generally any recreational  
4           activity that requires significant infrastructure for the purposes of  
5           active sports or organized events. It is about engaging in adventure  
6           sports or outdoor games. An active park refers to structured  
7           recreational activities which require specialized parkland  
8           development and management which may restrict general use of the  
9           parkland or facility. Examples of active recreation include, but are  
10          not limited to, sports fields, ball fields, playgrounds, skateparks,  
11          swimming pools, gymnasiums, and outdoor theaters.

12          2) Passive Recreation: Passive recreation area is generally an  
13          undeveloped space or environmentally sensitive area that requires  
14          minimal development. Emphasis is placed on preservation of wildlife  
15          and the environment. Passive park use refers to less structured  
16          recreational activities which require little or no specialized  
17          parkland development and management, and therefore can be provided at  
18          a low cost to communities. It involves casual activities and pursuit  
19          of hobbies, with no adverse impact to the natural habitat. Examples  
20          of passive recreation include, but are not limited to, walking and  
21          jogging, hiking and nature walks, community gardens, painting,  
22          photography, kite flying, picnicking, Frisbee, fishing, and outdoor  
23          theaters.

24          c) Uses permitted. The following uses are permitted in the open space  
25          district:

          1) Passive recreational uses;

1           2) Noncommercial agriculture or horticulture such as community  
2           gardens; and,

3           3) Customary accessory uses in support of the primary uses listed in  
4           1 and 2 above.

5           d) *Special exceptions.* The following uses shall be permitted in the  
6           open space district through the special exception process:

7                   1) Active recreational uses; and,

8                   2) Public municipal government buildings, without repair facilities  
9                   or outdoor storage yards.

10           e) *Uses prohibited.* The following uses are prohibited in the open  
11           space district:

12                   1) Any use that is not owned by a municipal, state, or federal  
13                   governmental agency;

14                   2) Any use that is owned by a municipal, state, or federal  
15                   governmental agency, but not identified in subsection (b), (c) or  
16                   (d) of this section; and

17                   3) Parking that is not associated with the recreational use of the  
18                   property.

19           f) *Development standards.* The following development standards apply  
20           to the open space district:

21                   1) No parking shall be located within 25 feet of any residentially  
22                   zoned property nor within 15 feet of any right-of-way line;  
23

1           2) No building, or structure, except fences or walls, shall be  
2           located within 50 feet of any residentially zoned property line or  
3           right-of-way line; and,

4           3) Impervious surfaces shall not cover more than 35% of the lot area;  
5           and,

6           4) Maximum building height is restricted to 20 feet.

7  
8           g) General requirements. General requirements in the open space  
9           district shall be as follows:

10           1) The first one inch of rainfall from each storm shall be retained  
11           and either percolated into the ground or collected and evaporated.  
12           All drainage systems shall include special engineering design  
13           features to minimize pollution from oil, suspended solids and other  
14           objectionable material in stormwater runoff within limits set by the  
15           SJRWMD rules. Treatment facilities shall be designed by a state-  
16           registered engineer to adequately treat the stormwater runoff  
17           resulting from rainstorms of the maximum intensity predicted for the  
18           Belle Isle area at 25-year intervals for major drainageways and ten-  
19           year intervals for all other drainageways and shall be subject to  
20           approval by the council prior to construction. The SJRWMD shall  
21           determine which drainageways shall be classified as major.

22           2) Each application for a building permit shall be accompanied with a  
23           site plan incorporating the regulations established herein. Said  
24           site plan shall be submitted to the board for review and approval.

1           The board shall approve the site plan prior to the granting of a  
2           building permit. Upon such approval, said site plan becomes a part  
3           of the building permit and may be amended only by the board.  
4

5   **Section 4.   Severability**

6   If any section, subsection, sentence, clause, phrase, word, provision, or portion  
7   of this Ordinance is held by a court of competent jurisdiction to be invalid,  
8   unlawful, or unconstitutional, such shall not invalidate or impair the validity,  
9   force or effect of any other section or portion of a section or subsection or part  
10  of this Ordinance.

11  
12   **Section 5.   Conflicts**

13   In the event of a conflict or conflicts between this Ordinance and any other  
14   ordinance or provision of law, this Ordinance controls to the extent of the  
15   conflict, as allowable under the law.

16  
17   **Section 6.   Codification**

18   This Ordinance shall be incorporated into the Land Development Code of the City of  
19   Belle Isle, Florida. Any section, paragraph number, letter and/or any heading may  
20   be changed or modified as necessary to effectuate the foregoing. Grammatical,  
21   typographical and similar or like errors may be corrected, and additions,  
22   alterations, and omissions not affecting the construction or meaning of this  
23   ordinance or the Land Development Code may be freely made.

1 **Section 7. Effective Date**

2 This Ordinance shall take effect immediately upon its final passage and adoption  
3 by the City Council of the City of Belle Isle, Florida.

4

5 First reading on \_\_\_\_\_, 2018.

6 Second Reading and Adoption this \_\_\_ day of \_\_\_\_\_, 2018.

7

	YES	NO	ABSENT
9 Ed Gold	_____	_____	_____
10 Anthony Carugno	_____	_____	_____
11 Jeremy Weinsier	_____	_____	_____
12 Bobby Lance	_____	_____	_____
13 Harvey Readey	_____	_____	_____
14 Alexa Dowlen	_____	_____	_____
15 Sue Nielsen	_____	_____	_____

16

17 ATTEST: \_\_\_\_\_

18 Yolanda Quiceno, CMC-City Clerk

Lydia Pisano, Mayor

19

20 \_\_\_\_\_

21 Approved as to form and legality

22 Kurt Ardaman, City Attorney

23

24

25



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE OF FLORIDA

COUNTY OF ORANGE

I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that  
the above and foregoing document ORDINANCE 18-01 was duly and legally passed by  
the Belle Isle City Council, in session assembled on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2018, at which session a quorum of its members were present.

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

Updated as of Tree Board Meeting held on January 8, 2018

**Sec. 48-63. - Tree protection.**

a) *Intent and purpose.* The purpose and intent of this article is to establish protective regulations for trees in the City and the planting of an acceptable tree in another place on the same property or in a public place. This article also encourages the protection of trees which the City has recognized, and which the City stands to lose unless protective measures are taken. It shall be unlawful to cut down, remove, damage, poison, detrimentally alter or in any other manner destroy or cause to be destroyed any trees covered by this article, except in accordance with the provisions of this article.

b) *Definitions.* The following words, terms, and phrases when used in this article shall be defined as follows:

*Arborist* means a professional arborist recognized and certified by the International Society of Arboriculture (ISA) as an ISA certified arborist municipal specialist (preferred) or an ISA certified arborist.

*Clearing* means the removal of a tree by digging, pushing, or cutting, or the effective removal through damage.

*Dead or beyond recovery* means more than 50 percent of the tree is dead, is a hazardous tree as defined herein, or in a state of irrecoverable decline.

*Diameter breast height (DBH)* means the diameter, in inches, of a tree measured at four and one-half feet above the existing grade.

*Dripline* means an imaginary line on the ground defined by vertical lines which extend from the outermost tips of the tree branches to the ground.

*Hazardous tree* means a tree irreparably diseased or presents a danger of falling that cannot be controlled or remedied through reasonable preservation and or preventative procedures and pesticides such that the public health or safety requires its removal.

*Public tree means any tree existing or proposed on City owned property.*

*Private tree means any tree existing in privately held land.*

*Removal of a tree means either actually removing a tree from the ground in which it grew, transplanting a tree, or effectively removing a tree through damage to the trunk, topping, damaging, or removing major limbs, roots, or enough canopy volume so that the tree dies, declines beyond recovery, or becomes a hazard to public safety and must be removed.*

*Tree means any living, woody, self-supporting perennial plant which normally grows to a minimum height of 15 feet.*

*Trees, stand of, means a naturally occurring grouping of five-three or more trees forming a canopy of vegetation which results in a single unified dripline.*

c) *Exceptions and exemptions.*

1) *Exceptions.* The requirements if of this section shall apply to all property in the City except those used for the following purposes:

a) Commercial plant nursery or tree farm; and

~~b) Public right-of-way or easement; and~~

~~c) Citrus groves cleared for replanting.~~

2) *Exemptions.* In the case of an emergency such as a hurricane, flood or other disaster, or agricultural diseases, the City managerCity Manager or the City managerCity Manager's designee may waive the requirements of this section so as to not hamper public and/or private work to restore order.

d)c) *Permit requirements.* No ~~recommended tree, (as defined by subsection (5)a. of this subsection (d))~~ with a DBH of 6-inches or greater, shall be removed from any developed property and no land clearing for development shall occur in the City without the owner first obtaining a permit from the City ~~except where noted. Any tree on the restricted list may be removed without permitting.~~ The City managerCity Manager or the City managerCity Manager's designee may issue a tree removal permit for the removal of specific trees.

1) *Review fee; survey information.* The owner of the property shall submit a ~~\$25.00~~ review fee, set by City Council, a tree removal permit application, and a tree survey consisting of the following information:

a) A scaled aerial photograph or drawing (minimum one inch equals 300 feet);

b) Property boundaries;

c) Identify location, names and heights of all stands of trees;

d) Identify location, DBH, names and height of all individual trees, which are six inches DBH or greater;

e) Indicate which trees are proposed for removal and identify the tree with a direction and distance from a fixed landmark;

f) Reason for removal; and

g) If applicable, the name of the commercial tree removal service that will be used to remove the tree(s).

g)h) All trees scheduled for removal shall be marked with red paint. In addition, prior to the issuance of a permit, the City Manager, or the City Manager's designee, will meet with the developer or owner representative and be shown the trees designated to be removed according to the site plan. The City representative will take a photo, or video, of the tree(s) to be removed. At the project completion, the City representative will return to the site to verify the correct trees have been removed. For new developments, no Certificate of Occupancy will be issued until the City has verified the correct trees have been removed.

In the event the ~~City-manager~~City Manager or ~~City-manager~~City Manager's designee is unable to determine whether the criteria for removal are met, an additional fee ~~of \$75.00 to be established by City Council~~, shall be required for review by an arborist. In lieu of paying the additional fee, the property owner, at their own expense, may provide an independent arborist's opinion; provided, however, that said arborist shall not be employed by the tree removal service hired by the property owner, if any.

- 2) *Use of unregistered tree removal service prohibited. No commercial tree removal service shall be used by the owner or occupant of the property unless the service has first registered with the City. A violation of this subsection (2) may be brought before the City code enforcement board pursuant to section 14-31, et al., as an irreversible violation subject to imposition of a fine not to exceed \$5,000.00 per violation.*
- 3) *Registration requirements for tree removal service. Any commercial tree removal service which desires to provide tree removal services within the City must first register with the City by providing its business name, occupational license number, contact person, address and telephone number. Upon registration, the tree removal service shall be provided information regarding the City's permitting requirements as set out in this section 48-63. A list of those tree services registered with the City will be available in the City Clerk's office. The City of Belle Isle keeps a list of businesses that are allowed to operate in the city. This list is to assist in providing residents with a variety of choices for a service or product. Any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise, is not an endorsement or recommendation by the City of Belle Isle or its employees. Further, the City of Belle Isle does not endorse or recommend any commercial products, processes, or services. The City will not recommend one tree service over another to residents. In the event any registered tree removal service is determined by the ~~City-manager~~City Manager or designee to have violated the City's requirements for tree removal, that service shall be removed from the list of registered services with written notice mailed to the service. Any tree removal service that has been removed from the list may make a request in writing to the City ~~clerk~~Clerk for a hearing before City council to appeal the removal.*
- 4) *Criteria for recommended tree removal. Tree removal may be approved where design modifications are not feasible or reasonable and one or more of the following circumstances exist:*
  - a) The location of the tree restricts the opening of a street or road right-of-way.
  - b) The location of the tree restricts the construction of utility lines or drainage facilities.
  - c) The location of the tree restricts access to the property.
  - d) The location of the tree restricts a use of the property consistent with all other City regulations.
  - e) The tree constitutes a hazard to life or property which cannot be mitigated without removing the tree.
  - f) The tree is dying or dead such that its restoration to sound condition is not practical, or it has a disease which can be expected to be transmitted to other trees and endanger their health.
  - g) The selective removal of up to 25 percent of existing trees, with a DBH of six inches or less, to provide increased light and air circulation.
  - h) Removal of the tree is required, in writing, by the homeowners' insurance company or proposed insurance company.
- 5) *Replacement of trees. Recommended Trees with a DBH less than of up to six inches and/or restricted trees, regardless of DBH, that are approved for removal shall not require replacement. Recommended Trees with a DBH of six of six inches up to but no including to 24 inches shall be replaced at a 1:1 ratio with trees from the recommended list. Recommended Trees with a DBH of 24 inches or greater shall be replaced at a 2:1 ratio with trees from the recommended list and havingAll replacement trees should have a minimum DBH of four inches.*
  - a) *Recommended trees. ~~The following tree replacement species are suggested, and may be used as replacement stock without prior approval. Other replacement trees may be used but must be native to Florida and be approved by the City manager. The City Council, by resolution, will adopt a list of trees for planting as stated in "Selecting and Planting Trees for the Central Florida Urban Forest" by the Florida Urban Forestry Council. This resolution and recommended tree list will be in file in the City Clerk's office., shall be used as a guide and must be on the restricted tree list.~~*
    - 1) ~~Live Oak;~~
    - 2) ~~Sweet Gum;~~
    - 3) ~~Sycamore;~~
    - 4) ~~Bald Cypress;~~
    - 5) ~~Southern Magnolia;~~
    - 6) ~~Dahoon Holly;~~
    - 7) ~~Southern Red Cedar;~~
    - 8) ~~Flowering Dogwood;~~
    - 9) ~~Chickasaw Plum;~~
    - 10) ~~Fringe Tree;~~
    - 11) ~~Wax Myrtle;~~
    - 12) ~~Winged Elm/Corked Elm;~~
    - 13) ~~Chinese Elm;~~
    - 14) ~~Magnolia, "Little Gem;"~~
    - 15) ~~River Birch;~~
    - 16) ~~Shumard Oak;~~

- ~~17) Slash Pine;~~
- ~~18) Swamp Chestnut Oak;~~
- ~~19) Sweetbay Magnolia;~~
- ~~20) Tulip Poplar;~~
- ~~21) Grape Myrtle;~~
- ~~22) East Palatka Holly;~~
- ~~23) Golden Trumpet;~~
- ~~24) Japanese Privet;~~
- ~~25) Loquat;~~
- ~~26) Redbud;~~
- ~~27) Canary Island Date Palm;~~
- ~~28) Chinese Fan Palm;~~
- ~~29) Sabal Palm;~~
- ~~30) Washingtonia Palm;~~
- ~~31) Laurel Oak; and~~
- ~~32) Water Oak.~~

- b) *Restricted trees. The following trees shall not be used as replacement stock within the City. The City Council will adopt, by resolution, a list of restricted trees which will be kept on file in the City Clerk's office. (CHECK WITH CITY ATTORNEY TO VERIFY IF A LIST CAN BE MAINTAINED AT CITY HALL AND NOT LISTED IN THE ORDINANCE OR SHOULD THEY BE LISTED AS WRITTEN BELOW)*

- ~~1) Laurel, Water and Silk Oak (Grivellea robusta);~~
- ~~2) Chinaberry (Nebia azedarch);~~
- ~~3) Jacaranda (Jacaranda acutifolia);~~
- ~~4) Cajeput or Punk Tree (Melaluca leucadendra);~~
- ~~5) Australian Pine (Casuarina species);~~
- ~~6) Florida Holly or Brazilian Pepper (Schinus terebinfolius);~~
- ~~7) Cama Eucalyptus (Eucalyptus camaldulensis);~~
- ~~8) Chinese Tallow Tree (Sapium sebiferum);~~
- ~~9) Ear Tree (Enterlobium cyclocarpum);~~
- ~~10) Mimosa (Albizia julibraissin);~~
- ~~11) Paper Mulberry (Broussonetia papyrifera); and~~
- ~~Camphor.~~
- ~~12) Sago Palms~~

6) *New developments.*

- a) *Subdivisions.* The information required in subsection (d)(1) shall be submitted as part of the preliminary plat for all new residential and nonresidential subdivisions. The final plat approval shall constitute a tree removal permit for the purposes of this section.
- b) *Site plans.* The information required in subsection (d)(1) shall be submitted as part of the site plan for all new commercial, professional-office, industrial and multifamily residential developments. The building permit shall constitute a tree removal permit for the purposes of this section.
- c) *Tree protection during construction.*
  - 1) Following development approval, it shall be unlawful for any person, during the construction of any structures or other improvements, to place solvents, material, construction machinery or temporary soil deposits within the dripline of any tree designated to remain.
  - 2) It shall be the responsibility of the developer or applicant to ensure that any tree designated to remain be protected. The property owner shall guarantee survival of retained or replacement trees for one year from the acceptance of the subdivision improvements by the City or the issuance of a certificate of occupancy for site plans, whichever is later.
  - 3) If posts are used as protective barriers, they shall be placed at points not closer than one-half the radius of the dripline of the protected tree. Each section of the barrier shall be clearly visible (flagged with brightly colored plastic tapes or other markers). No attachments or wires other than those of a protective or nondamaging nature shall be attached to any tree.
  - 4) The City may conduct periodic inspections of the site. It is the responsibility of the applicant to ensure that all provisions of this section are met.

7) Spacing

Trees with the capability of exceeding 30' in height must not be planted less than 25' from a property line, except in special plantings designed or approved by a landscape architect.

8) Distance from Curb and Sidewalk

- a) The distance trees may be planted from curbs or curb lines and sidewalks must have a 4' setback.
- b) The use of root barriers is required and determined at the discretion of the City Manager.

9) Distance from Street Corners and Fireplugs

- a) No Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No Tree shall be planted closer than 10 feet of any fireplug.
- b) No tree which may reach a height of 15' or more may be planted less than 25' from the foundation of any public or commercial structure.

c) The use of root barriers is required and determined at the discretion of the City Manager.

10) Utilities

- a. No Trees may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.
- b. The use of root barriers is required and determined at the discretion of the City Manager.

11) Public Tree Care

- a. The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds and City right-of-ways, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- b. The City may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 5(a) of this ordinance.
- c. It is unlawful for any person to:
  - i. Fasten a carriage, animal, bike, motor vehicle of any kind to any share tree, shrub, tree guard or tree support.
  - ii. Authorize or procure any gas, hot water, brine, oil, herbicide, pesticide, chemicals, dye, or other substance detrimental to tree life to lay, pour, flow, leak, or drip into the soil about the base of a tree in any public highway, Street, avenue, public right-of-way, or public place.
  - iii. Allow a tree on public right-of-way to be injured or removed during the erection, repair, removal or alteration of any building or structure.
  - iv. Build or kindle a fire near any tree or any public right-of-way, as to endanger the trunk, limb, or foliage of such tree.
  - v. Attach any advertisements to any tree or shrub in any street, highway, avenue or public right-of-way.
  - vi. Lay any pavement within three (3) feet of the base of the trunk of any tree on public right-of-way or deposit any stone, gravel, cement, lumber, or other materials in such a way as to obstruct the free access of air and water to the roots of any tree in such right-of-way.
  - vii. Attach or keep attached to any public tree any ropes, wires, chains, or other device whatsoever, except that the same may be attached to any tree as support or protection thereof. This prohibition shall not apply to the seasonal attachment of holidays lights.
  - viii. During the erection, repair, alteration or removal of any building, sidewalk, or structure, it is unlawful for the person in charge of such erection, repair, alteration or removal to leave any public tree in the vicinity of such building or structure without good and sufficient guard or protector as to prevent injury to such tree or its roots arising out of, or by reason of such erection, repair, alteration or removal
  - ix. It is unlawful for any person to abuse, destroy or mutilate any public tree.
  - x. It is unlawful for any person to perform any minor tree work on any public tree without a permit.

12) Tree Topping and/or hat racking

- a. It shall be unlawful for any person, firm, or city department to top and/or hat rack any tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Hat racking is defined as the destructive act of improperly trimming a tree, leaving stubs, tears, stripped branches, unnecessary wounds and other irreparable damage. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Manager.

13) Pruning and - Corner Clearance by Private Property owners and by Utilities

- a. Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of fourteen (14) feet above the surface of the street and eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace/hazard to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.
- b. Pruning for or by Utility will require the franchise to obtain a written permit from the City. A City franchised utility maintaining its utility system in the street may prune or cause to be pruned, in accordance with this chapter and using proper arboricultural practices in accordance with the permit, any tree located in or overhanging the street which interfered with any light, pole, wire, cable, appliance or apparatus used in connection with or as part of a utility system. The permit may be issued as a City-wide permit valid for one year if the utility adequately demonstrates the ability to meet the performance requirements of this chapter and to consistently apply proper arboricultural practices to the pruning of trees.
- c. The utility shall provide the City written notice of any pruning work at least three (3) working days of prior to the start of the work.
- d. In those cases where a tree cannot be pruned in such a manner as to preserve the physical or aesthetic integrity of the tree, the tree may be removed and replaced by the utility at its own expense and in compliance with the replacement provision of this chapter. (CHECK WITH CITY ATTORNEY ON ANY INTERLOCAL AGREEMENTS OR FRANCHISE AGREEMENTS)

14) Dead or Diseased Tree Removal on Private Property

a. The City shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the city. The City will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

15) Removal of Stumps

a. In addition to the standards of the National Arborist Association, all stumps of street and park trees shall be removed to a depth of six (6) inches below the surface of the ground.

16) Sidewalk, Walkway, Curbing or Roadways Damaged by Roots

a. Any street and park trees whose roots have damaged any sidewalks, curbing, roadways and the owner is unable to remove the hazard by root grinding the tree will be removed at City expense and replaced with a recommended tree species. The owner of the property will be given a choice of not less than three (3) tree species for replacement. Replacement will take place within one year of removal at the convenience of City and owner.

17) Interference with City

a) It shall be unlawful for any person to prevent, delay or interfere with the City, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Trees on private grounds, as authorized in this ordinance.

7) Appeal. If a tree removal permit is denied by the City manager without prior review by a City designated arborist, the owner may appeal the City manager's decision by making a written request for review by a City designated arborist and paying the fee for such review, both within ten days of the written notice of denial. If the designated arborist certifies the tree is a restricted tree or meets the criteria of subsection 48-63(d)(4)f., the City manager shall issue the permit.

18) Appeal. If a tree removal permit is denied by the City Manager without prior review by a City designated arborist, the owner may appeal the City Manager's decision by making a written request for review by a City designated arborist and paying the fee for such review, both within ten days of the written notice of denial. If the designated arborist certifies the tree is a restricted tree or meets the criteria of subsection 48-63(d)(4) f., the City Manager shall issue the permit.

18)19) Term of permit. A tree removal permit issued to the owner of a developed property shall remain in effect for one year from the date of issuance. If the action applied for is not completed within the permit's effective date, a new tree removal permit must be obtained.

20) Removal protection. All replacement trees, regardless of DBH, shall be protected from removal pursuant to the provisions of this section.

19)21) Tree replacement must be completed within 12 months of the approved removal application.

e)d) Variances and Penalties.

1) Variances. Variances to this section may be applied for in accordance with the variance section of this Land Development Code (chapter 42, article III).

2)1) Penalties. Violations of this section shall be subject to the following:

a) Where violations of this section have occurred, remedial action shall be taken to restore the property consistent with a restoration plan approved by the City manager City Manager or the City manager City Manager's designee. The restoration plan shall require tree replacement from the recommended list at not less than 2:1 and not more than 4:1; and according to the following.

<u>DBH – Removal Tree</u>	<u>Number of Replacement Trees</u>
<u>86" up to but not including 12"</u>	<u>1 tree</u>
<u>12" up to but not including 18"</u>	<u>2 trees</u>
<u>18" up to but not including 24"</u>	<u>3 trees</u>
<u>24" up to but not including 18" and above</u>	<u>4 trees</u>

a)b) No certificate of occupancy or certificate of completion shall be issued for any development or project until all applicable permit or restoration plan conditions have been accomplished. For developed properties, failure to take the remedial action required by the restoration plan shall constitute a continuing violation of this section, and shall be referred to the code enforcement board for enforcement as provided by chapter 14, article II of this Code; and

c) The City shall fine Any person or persons found in violation of this section shall be fined by an amount set by the City Council. the applicant \$250.00 per tree, having a DBH of less than six inches and \$500.00 per tree having a DBH of six or more inches, which was removed in violation of this section.

d) Any person or persons who violate any of the provisions of this chapter are guilty of a violation the violator shall be required to reimburse the City for any costs incurred for treatment or removal and replacement of the tree or repair of the box or casing around the tree, including total personnel services, costs, materials and an additional charge of ten percent for administrative overhead.

e) If, as the result of the violation of this chapter, the injury, mutilation, or death of a public tree or vegetation located in a right-of-way is caused, the cost of care, repair or replacement of a similar size tree or vegetation shall be borne

by the party in violation. Replacement cost includes the cost of tree or vegetation and stump removal. The replacement value of trees and other vegetation is determined in accordance with the latest revision of Valuation of Landscape Trees, Shrubs and Other Plants, as published by the International Society of Arboriculture.

f) For new development, the developer, or property owner is responsible to insure the planted trees and shrubs have the proper care for a period of one year after the project close-out. The developer may be required to issue a performance bond, or place a deposit, with the City in the event the trees need to be replaced within the one-year period. INSERT LANGUAGE FOR DEVELOPER REPLACEMENT OF TREES AND CARE WITHIN TWO YEAR PERIOD

g) Any person or persons who have previously been found in violation of this section may be required to post additional assurances in the form of performance bond, cash, or any other financial vehicle acceptable to the City. INSERT LANGUAGE FOR 1<sup>ST</sup>, 2<sup>ND</sup> AND 3<sup>RD</sup> OFFENSES

f)e) Tree trust fund. In lieu of tree replacement as required by subsection (d)(5), the ~~City manager~~City Manager may approve the payment by the owner of \$250.00 in an amount set by the City Council per tree removed but not replaced to be paid into a tree trust fund. The tree trust fund shall be established from all monies collected pursuant to this section 48-63. The tree trust fund shall be used to plant trees of the recommended species on public property, such as, but not limited to, public parks and rights-of-way. The tree trust fund may also be used to fund grants to private individuals who establish financial need to replace trees that are removed pursuant to this section.

(Ord. No. 92-6, ch. V, art. B, § 2, 12-15-1992; Ord. No. 04-14, 9-7-2004; Ord. No. 07-03, § 1, 3-6-2007; Ord. No. 08-26, § 1, 11-5-2008; Ord. No. 08-30, § 1, 1-6-2009)

**Orange County Canvassing Board  
2018 Criteria**

Last Updated: 8/2/2017

<b>Vote by Mail</b>				
	<b>Accept</b>	<b>Reject</b>	<b>Case by Case</b>	<b>CB Review?</b>
No Signature [101.68(2)(c)1], if left uncured*		X		
No signature, with cure affidavit [101.68(4)]*	X			
Signature does not match [101.68(2)(c)1] [101.65-15th day], if left uncured*		X		
Signature does not match, with cure affidavit [101.68(4)]*	X			
Signature printed and does not match the signature on file [101.68(2)(c)1] [101.65], if left uncured*		X		
Signature printed does not match, with cure affidavit [101.68(4)]*	X			
Voter signed envelope for someone else and the other person had a request on file	X			
Certificate envelope has two signatures and both voters requested ballots and both received the same card numbers.	X			
Voter sends ballot in blank envelope that does not have the oath [101.64(2)]		X		
Voted wrong ballot card (voter has moved) [101.045]			X	
Voter deceased or canceled since ballot returned [101.68(2)(c)2]	X			
Late return of vote-by-mail ballot (Except UOCAVA voters) [101.67(2)]		X		
Voted early or at the polls [101.69]		X		
*F.S. 101.68(4) Until 5pm on the day before the election, the supervisor shall allow an elector who has returned a vote by mail ballot that does not include the elector's signature or whose signature does not match to complete and submit an affidavit to cure the vote by mail ballot.				
<b>First time voters who registered by mail - Special Vote by Mail</b>				
	<b>Accept</b>	<b>Reject</b>	<b>Case by Case</b>	
Voter provides proper identification or indicates exemption [101.6923]	X			
Voter does not provide proper identification or indicate an exemption by 7 pm [101.6923]		X		
<b>Provisional Ballots 101.048</b>				
	<b>Accept</b>	<b>Reject</b>	<b>Case by Case</b>	
Voter is eligible, signature matches, correct precinct	X			
Voter is eligible but did not have proper ID - Signature matches that on file	X			
Voter given the provisional in error--should have voted a regular ballot	X			
Voter's application was not verified by State, voter furnished additional information prior to 5 p.m. of second day. Voter deemed eligible.	X			
Ballot cast in wrong precinct		X		
Voter name not found - not registered to vote		X		
Voter moved into county- Eligible, signature matches, correct precinct [101.045]	X			
Voter moved out of county		X		
Voter was canceled as a Felon or for other reasons		X		
Voter registered after the books closed		X		



**Orange County Canvassing Board  
2018 Criteria**

Last Updated: 8/2/2017

<b>Provisional Ballots 101.048</b>			
	Accept	Reject	Case by Case
Voter's application was not verified by State, voter did not furnish additional identification by 5 p.m. of the second day.		X	
Voter's application was incomplete so not eligible to vote		X	
Voter's signature does not match and voter refuses to sign "Signature Differs" Affidavit. If signature on Prov matches that on file in the SOE office	X		
Voter's signature <b>does not match</b> and voter refuses to sign "Signature Differs" Affidavit. If signature on Prov <b>does not match</b> that on file in the SOE office		X	
Voter had been sent a vote by mail ballot, did not surrender it; vote by mail ballot has not been received by SOE	X		
Voter's right to vote has been challenged			X
Voter has disputed party affiliation in PPP and Primary - provisional ballot is the wrong party according to SOE research		X	
Voter has already voted by vote by mail or at an early voting center		X	
Voting hours extended - voter is eligible and in the correct precinct [101.049]	X		
Voting hours extended - voter is eligible and NOT in the correct precinct		X	
<b>Absentees from Overseas Voters (10 days after the election)</b>			
	Accept	Reject	Case by Case
No Postmark or date [101.6952] and [1S-2.030]		X	
Dated or postmarked on or by election day [101.6952] and [1S-2.030]	X		
Dated on or before election day but postmarked later or no postmark	X		
Dated and postmarked after election or dated after election with no postmark		X	
<b>State Write-In Ballot 101.6951</b>			
	Accept	Reject	Case by Case
Wait to see if we have requests - have never had one			X

**Orange County Canvassing Board  
2018 Criteria**

Last Updated: 8/2/2017

	Just the Facts		CB Review?
	Accept	Reject	
<b>Federal Write In Absentee Ballot (101.6952, 102.166)</b>			
Must be a registered voter in the county			
Must have signed the FWAB and the signature verified			
No date and no postmark - received after election day		X	
Dated or postmarked on election day or earlier	X		
No request received but dated on or before election day and oath is signed.	X		
Challenge of overseas voter based on not meeting definition of [97.021(24)]			X
Not registered by deadline - all overseas voters		X	
<b>10-Day Extension for Overseas Voters:</b> A federal write-in absentee ballot may not be canvassed until 7 p.m. on the day of the election. A federal write-in absentee ballot from an overseas voter in a presidential preference primary or general election may not be canvassed until the conclusion of the 10-day period specified in subsection (5). Each federal write-in absentee ballot received by 7 p.m. on the day of the election shall be canvassed pursuant to ss. 101.5614(5) and 101.68, unless the elector's official absentee ballot is received by 7 p.m. on election day. 101.6952 (2)(a) An absent uniformed services voter or an overseas voter who makes timely application for but does not receive an official absentee ballot may use the federal write-in absentee ballot to vote in any federal, state, or local election.			
<b>Date Adopted:</b>	Orange County Canvassing Board		
	County Judge		
	County Commissioner		
	Supervisor of Elections		

**Belle Isle Issues Log  
3/6/2018**

<u>Issue</u>	<u>Description</u>	<u>Start Date</u>	<u>POC</u>	<u>Expected Completion Date</u>	<u>Completed Action</u>	<u>Next steps</u>
NPDES Reporting	Prepare NPDES TMDL Plan and MS4 Reporting to State	10/1/2016	CM	31-Dec-17  <b>Completed 11/9/17</b>	City Manager and Engineer made corrections to the plan. State Accepted MS4 Plan. Now yearly plan update	<b>NPDES Audit by Florida DEP scheduled for March 28, 2018</b>
Cornerstone Charter Academy Stormwater Discharge issue	In November, Orange County made City aware of turbidity issue with storm water discharge from CCA Property to OC Storm pipe. OC may fine City is not corrected.	1/11/2016	CM/CE	<b>4/30/2018</b>	Water sampling revealed that there are high levels of nitrogen causing algae blooms. OCEPD reviewing fertilizer put on the field. Harris Engineering to use GPR to find any unrecorded pipes.	SJWMD approved city request to divert water from OC culvert to Wallace Field. <b>City will divert water from drainage ditch to Wallace Field</b>
Gene Polk Park (Delia Beach)	Drainage issue at Gene Polk Park caused erosion problems and makes the park unattractive. At least 3 plans have been developed for the drainage and Council allocated \$180,000 to correct the problem.	4/3/2017	CM/CE	9/30/2018	CM met with neighbors to go over plan. Neighbors will review plan as a group and then present their comments to City.	Construction plans are complete. Contract documents are being prepared for bid.
Street Paving	Council approved project for paving several streets in the City. Middlesex Paving is the contractor	8/12/2017	PW/CM	9/30/2017 Completed	Paving of Windsor Place, Lake Conway East, Venetian, Peninsula, and McCawley completed.	Projects complete for 2016-17 Budget. Start to look at paving other streets for FY2017-18 Budget.
Storm Drainage	Several individual projects are being looked at to complete. St. Partens, McCawley Ct., Swann Beach, 3101 Trentwood.	4/3/2017	PW/ENG	5/31/2018	City Manager determined areas that need to have a priority of work for stormwater fixes. Working with the Engineer to address these areas	Construction plans being developed for St. Partins, Wind Drift, Nela Ave, and area near St. Moritz , and Dorian Ave. FEMA Funding requested
Nela/Hoffner Bridges	Work on Nela/Hoffner Bridges include new lights and painting. Work under Nela Bridge	5/1/2017	PW/CM	7/31/2018	City Manger working with Orange County on Hoffner painting. Reviewing FDOT inspection report on Nela Bridge. Request to OC to <del>remove grafitti from Hoffner Bridge</del>	Nela Bridge recently inspected by FDOT Engineers. City will plan required work for next budget year.
Traffic Studies	Council allocated funds for traffic study at Trentwood/Daetwyler Rd. Council directed city-wide traffic study to improve traffic flow.	4/3/2017	CM/Eng.	12/31/2018	Trentwood Study completed. CM, Police Chief, Traffic Engineer and Comm. Lance met with HOA Board on November 15 with results. Engineer to do additional speed study on Flowertree. CM and Traffic Engineer working on a scope of work for city-wide study.	Mattamy Homes will not fund traffic changes. Temporary Speed Humps are installed on Flowertree and Trentwood. <b>RFP for Traffic Management Plan is out. Due March 21</b>

**Belle Isle Issues Log  
3/6/2018**

Fountain at Nela/Overlook	Council approved funding to convert the planter at Nela/Overlook to a fountain.	4/3/2017	CM	8/31/2018	Contacting fountain installers for quotes. Art work to be contest for residents. Initial Quotes received were for \$75K and \$51K without art work. CM to receive new quote based on new Scope of Work	G'Werks to do fountain. <b>Centerpiece ordered (12-14 weeks). Should see demo of roundabout soon.</b>
Standardize Park Signage	Council held a workshop on June 14 to discuss park issues. Standardize signage was one of the issues. Council reviewed proposed signs and directed to move forward.	6/14/2017	CM	9/30/2018	New signs will be made and replace the current signs for parks. Meeting with sign maker on August 1st. New signs in for design	<b>Should have budget for signs for Regal Park, Gene Polk Park, Cross Lake Beach, Swann Beach. Lesser Park, Holloway Park, Trimble Park by next meeting. Possible next year budget item.</b>
Standardize Boat Ramp Signs	Council held a workshop on June 14 to discuss boat ramp issues. Standardize signage was one of the issues. Council reviewed proposed signs and directed to move forward.	6/14/2017	CM	6/30/2018	New signs will be made and replace the current signs for ramps. Perkins and Venetian ramps will have same rules. Lake level closure decided. New signs in for design. Sign Maker making new Perkins Ramp Sign. Venetian being designed. Fence at Venetian installed.	Venetian sign is in for proofing at sign maker. Perkins sign done and waiting installation. <b>No update</b>
Wallace/Matchett Area	City purchased large area at Wallace/Matchett for open space. Issues with Wallace Street Plat in this area with people trespassing on private property. District 2 Comm. And CM met with residents to discuss solutions. Council met on June 14 and issues was discussed. Council directed that a fence would be erected around property. Dist. 2 Comm. and CM to meet with residents to discuss options for Wallace Street plat. Area is still zoned R-2.	6/14/2017	Dist.2 Comm and CM	9/30/2018	Fence quotes received. Zoning change in progress. Agreement for CCA use of the field being sent to school (waiting school response)	<b>Dist. 2 Comm. to reschedule meeting with area residents. New Open Space designation to be given. CCA reviewing agreement for the school to use the field.</b>
Perkins Boat Ramps	Council discussed issues at June 14 meeting for Perkins ramp . Rules need to be put in place according to Ordinance 18-20. Perkins also needs to be upgrade with new fencing, ramp construction and road and dock construction. New drainage also needs to be installed. Council allocated \$38,.000 to drainage.	4/3/2017	CM	12/31/2017	Closure level agreed upon. New sign is at sign maker. Fencing is delayed due to lack of materials (wood). Starting the process to complete other issues (drainage, fill in the void at end of the ramp, wheel stops on ramp, trailer parking). New fence at Perkins Ramp.	New sign to be installed and parking reconfigured. <b>Ramp improvements will occur when water levels go down in February/March. Dock to be rebuilt in March</b>

Belle Isle Issues Log

3/6/2018

Charter School (CCA)	There has been infrastructure issues at Cornerstone for some time. The City owns the property and leases it to CCA. The City is responsible for replacing major systems at CCA according to the lease.	4/3/2017	CM	Ongoing	Engineers inspected CCA facilities. Report received by City and is under review. A Capital Facility Plan will be developed for funding infrastructure. Meeting was held with City and CCA to determine who is responsible for costs of facility maintenance. Once CFP is developed, then a joint agreement will be developed outlining which entity is responsible for maintenance costs.	CIP complete except for funding questions. CM and Finance Director to discuss funding with trustee. CCA considering purchase of property. <b>CFP should be on March 20 Agenda)</b>
Strategic Plan	The City currently has no Strategic Plan. Strategic planning is the process to develop a vision of what the City would like in 10, 15, or 20 years, based on forecasted needs and conditions. It defines goals and objectives to achieve those goals. It is not the same as the Comp Plan.	4/3/2017	Council/CM	Ongoing	Council to decide if it wants a Strategic Plan and then to set up a process for developing the plan. If Council moves forward, an outside consultant should be hired to contact the meetings, gather the information, conduct the surveys and develop the draft plan.	<b>Need guidance from council on when they want to do planning.</b>
Bird Sanctuary Designation	The City has an ordinance designating Belle Isle as a Bird Sanctuary; however it is not recognized by the state (FWC). In speaking with the FWC Regional Director, the city has not applied for the designation IAW Florida Statutes. The Council would like to have BI recognized as a bird sanctuary hoping that it will protect many of the birds that call Lake Conway home.	4/3/2017	CM	12/31/2017	Application completed per Florida Statutes and sent to FWC for consideration at FWC January Meeting. New ordinance adopted IAW FWC guidelines and FAL 68a-19.002	<b>Appeal in progress</b>
Social Media Policy	City Council expressed concerns that there were postings to social media sites that were not representative of the City government views. The Council requested a social media policy be developed.	4/3/2017	CM	<b>Completed 7/18/2017</b>	Policy drafted. Council review on 7/18/17. Council adopted policy on 7/18/17 Applications received for social media Specialist. CM to review applications and schedule interviews.	<b>Received resumes. Will start to review next week.</b>
Municipal Code Update	The City Council contracted with a planner to update the municipal code. This process was not completed and needs to be completed. There have been significant code changes in the past few years that need to be in the code.	4/3/2017	CM/CC	Ongoing	Meet with consultant to determine what was done and what is left to do.	It was determined that no code revisions have been completed. CM started the process.

**Belle Isle Issues Log  
3/6/2018**

Charter Review	The City Council started the process of reviewing the charter for changes. The Council held two workshops and needs to finish the changes in time to be placed on the next ballot.	12/1/2016	Council/CM	3/31/2018	Set another workshop to review changes made and to finish the Charter review. Revisions completed by CA.	<b>In progress</b>
Comp Plan Updates	The comp plan is reviewed every 7 years to see if it needs to be updated. The City Council contracted with a planner to update the comprehensive plan. In March, the consultant told the Council that the plan is up to date and no changes are necessary. CM believes that changes are needed. They could be made anytime.	3/1/2017	Council Planner CM	Ongoing	Meet with consultant to determine what was done and what is left to do.	Any changes should go to P&Z Board for recommendation to Council. No changes were made. <b>Comp Plan review started by CM</b>
Annexation	Council discussed the desire to annex contiguous property in order to build the tax base and possibly provide more commercial development in Belle Isle.	4/3/2017	Council CM	12/31/2017	Council to determine the priority to annex especially with the establishment of the Pine Castle Urban Center on S. Orange Ave. CA provided information to Council on annexation. Workshop should be scheduled to discuss	Workshop held on 1/11/18. Council discussion at February meeting. <b>Staff reviewing documents.</b>
Sustainability	Council discussed sustainability and energy initiatives.	4/3/2017	CM	12/31/2107	Look at LED lighting and Solar power for city facilities. Look at Community Garden (possibly at Wallace/Matchett)	Due to hurricane installation is delayed until March 1.
Tree Issues	There have been several issues regarding trees, tree care, and concerns on landscaping requirements to save trees. The City recently created a Tree Advisory Board that will review the standards of tree care and the processes involved in tree care, removal, and protection.	11/21/2017	CM Tree Board	3/31/2018	Tree Advisory Board to review current tree ordinances and processes for tree care, removal and protection.	<b>Tree ordinance finalized by Tree Board. For Council review in March (Agenda item for March 6)</b>