



city council minutes

**Minutes
September 25, 2017 * 6:00p.m.
Workshop Session**

Lydia Pisano Mayor	Tom Callan City Attorney	Bob Francis City Manager	Ed Gold District 1	Anthony Carugno District 2	Jeremy Weinsier District 3	Bobby Lance District 4	Harv Readey District 5	Lenny Mosse District 6	Sue Nielsen District 7
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The Belle Isle City Council met in a City Council Workshop session on September 25, 2017 at 6:00p.m. in the Belle Isle City Hall Council Chambers.

Present was:

Mayor Pisano
Commissioner Carugno
Commissioner Weinsier
Commissioner Lance
Commissioner Nielsen

Absent was:

Commissioner Gold
Commissioner Readey
Commissioner Mosse

Also present was Attorney Tom Callan, City Manager Bob Francis and City Clerk Yolanda Quiceno. Meeting audio is available on the City's website and at City Hall.

CALL TO ORDER

Mayor Pisano called the City Council workshop to order at 6:00 p.m.

CHARTER REVIEW AND DISCUSSION

Mayor Pisano opened the discussion for Charter changes of Sections 1.01 through 8.11.

Attorney Callan recommended that the City continue to be a City Manager/Council form of government with the Mayor being a non-voting member. One of the big changes for discussion is to redraw the districts and create a Council of seven to five commissioners.

Council discussed Sections 1.01 through 8.10 and recommended the sections to be considered for change as follows,

Sec. 3.01. - Creation, powers and composition of city council.

There shall be a city council with all the legislative powers of the city vested therein. The city council may by ordinance or resolution prescribe the manner in which any power of the city shall be exercised. The city council shall consist of seven (7) ~~five (5)~~ commissioners; one residing in each of seven (7) ~~five (5)~~ election districts, elected at large by the qualified voters of the city. The Mayor shall be a non-voting member of the city council. The term city council in this Charter shall include the commissioners and the mayor.

After discussion, Council consensus was to hold the composition of city council until the next Census in 2020.

Sec. 3.02. - Qualifications.

~~Commissioners~~ City council and candidates for ~~commissioner~~ any position of city council shall have resided in the city and the city district at least one (1) year immediately prior to the date on which they ~~qualify~~ apply to the City Clerk for qualification to run for the office of commissioner or mayor; shall be a registered voter in Orange County with proof from the Orange County Supervisor of Elections; or as later designated, at an address within the city district for at least one (i) year immediately prior to the date on which they apply to the City Clerk for qualification to run for the office of commissioner, or mayor; and shall ~~have the~~ meet and satisfy all qualifications of electors therein. No person may qualify as a candidate for commissioner who holds another public office, whether federal, to be a voter in the state, district, county, or municipal, if the terms or any part thereof run concurrently with the office of commissioner without first resigning from the other office. of Florida.

Sec. 3.04. - Election and terms.

The regular election of the city commissioners shall be held on the second Tuesday after the first Monday in March of each year, in the manner provided in Article VI of this charter, and shall be for a term of three (3) years.

Sec. 3.06. – Commissioner or mayor not to hold two elected offices: vacancies.

(B) No person may qualify as a candidate for commissioner or mayor who holds another elected public office, whether federal, state, district, county, or municipal, if the terms or any part thereof run concurrently with the office of commissioner without first resigning from the other office. However, a commissioner or mayor may continue to serve on an advisory federal, state, district, county, or municipal board, or commission, or committee.

(C) No commissioner or mayor may qualify for another office unless at least ten (10) days prior to the first day of qualifying for another the other office, the commissioner or mayor seeking the office must submit to the City Clerk a written resignation, which resignation shall be effective no later than the date the commissioner or mayor would take the new office, if elected. The resignation shall be irrevocable.

Sec. 3.07. - Vacancies; forfeiture of office; filling of vacancies.

(A) Vacancies: The office of a commissioner or mayor shall become vacant upon his or her's death, disability, resignation, entry upon the office of mayor, removal from office in any manner authorized by this Charter or state law or forfeiture of office.

- (B) Forfeiture of office: A commissioner or mayor shall forfeit be deemed to have forfeited the office if the commissioner or mayor:
- (1) Lacks at any time during the term of office any qualification for the office prescribed by this charter or by law.
 - (2) Violates any standard of conduct or code of ethics established by law or {this Charter or commits} convicted of a misdemeanor of the second degree or a felony of any degree.
 - (3) Misses five (5) four (4) consecutive, regularly scheduled council meetings in a twelve month period from first Tuesday of April of each year, without being excused as specifically approved by Resolution or motion by the council for each absence.
 - (4) Failure to maintain and keep a bona-fide residency in the city district as elected for the term in Section 3.05, above, or be a bona-fide resident of the city.

(C) Filling of vacancies: A vacancy on the council whether of a commissioner or mayor shall be filled by the mayor council appointing a candidate from the district where the vacancy has occurred.

- (1) The appointee council shall be confirmed by a direct the City Manager to post the vacancy on the city website and at city hall. The city manager shall provide and process applications for the vacancy, review the application for completeness, and provide the completed applications to the City Clerk. City Clerk shall verify that the applicant satisfies the residency and qualifications requirements to hold the office as indicated in this Charter and under State law, and all public disclosure requirements for any elected official that may be required under state law, this Charter or other applicable law. City Manager and City Clerk shall then submit the applications to the City Council for review, consideration or approval.
- (2) City Council may interview all or a portion of the applicants if it so desires. The method and manner of selection of the applicant to fill the vacancy shall be in the Council's discretion. Majority vote of the council. at a public hearing shall approve the new member to fill the vacancy. The selected applicant must agree to accept the position and comply with all applicable state, local or municipal laws, rules, charters or ordinances including all public disclosure requirements. If not, the council shall select another applicant for the vacancy.
- (3) The filling of the office shall be completed no later than 60 days within one month of the date that the council seat or office of mayor was vacated. After the seat has been filled, the newly appointed commissioner will or mayor shall hold the applicable office until the next regular election scheduled for that district office.

(D) Extraordinary vacancies: In the event that all a majority of the commissioners are removed by death, disability, resignation or forfeiture of office, the governor shall appoint an interim council that who shall immediately call for a special election. to be held within 90 days.

Sec. 3.08. - Procedure.

(A) Meetings.

- (i) The council shall meet regularly at least once in every month, at the City Hall on the second and fourth Tuesday of each month or at such time and place as the council may prescribe by rule, at the second meeting of April for each coming 12-month term.
- (ii) Special meetings may be held on the call of the mayor or a majority of the commissioners and, whenever practicable, upon no less than twelve (12) hours' notice to each commissioner and the public. All meetings shall be public. (B)
- (iii) All meetings shall be posted online and at the City Hall and be public and open to the public.

(B) Rules and journal.

- (i) The council shall determine its own rules ~~and for parliamentary procedure and the approval at the meeting, except the rules shall not be in conflict with the terms of this Charter.~~
- (ii) The Mayor shall preside over the meeting, participate in discussion but not vote. If the Mayor needs to abstain from any portion of the proceeding due conflict of interest as defined under state law or under this charter, the mayor shall set pass the gavel to the Vice Mayor or in its absence to a commissioner designated by council
- (iii) The order of the agenda and order of business for the meeting shall be set by the City Manager no later than 4 business days prior to the regularly scheduled meeting. The City Manager shall include any items as requested or designated to the City Manager by majority vote of the Council. The City Manager shall include any items submitted by the mayor for the meeting agenda prior to the agenda cut-off date. Three business days prior to the City Council meeting, the agenda package and backup items shall be ready for each meeting of the City Council member at City Hall to pick-up and shall be available for public inspection at the City Clerk office. The City Manager shall attempt and use best efforts to make the agenda and all back up documentation available to the public for view on the City website.
- (iv) The agenda package at a minimum shall contain the minutes from the prior meeting, and a report of the expenditures, check register or similar report and report of all city issued checks or drafts since the previous meeting.

(C) Voting. Voting, on ordinances and resolutions, shall be by roll call and shall be recorded in the journal. A majority of the council shall constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent commissioners in the manner and subject to the penalties prescribed by the rules of the council. No action of the council, except as otherwise provided in the preceding sentence and in Section 3.07, shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.

Sec. 3.19. — ~~Past references to City council members designated commissioners.~~

All references in the Belle Isle City Charter, Code of Ordinances, ordinances and resolutions to the terms "Belle Isle City Council member(s)" and "councilman" shall be changed to "Belle Isle City Commissioner(s)." Similarly, any terms not expressly listed in this section but which refer to the city council member(s) or member(s) shall be changed to reflect the change from council member(s) to commissioner(s).

Sec. 4.02. - Mayor: Qualifications and terms of office.

(A) ~~The mayor shall be an elector of the city and shall have resided in the city for at least one (1) year immediately prior to the date on which he qualifies to run for the office of mayor. No person may qualify as a or any candidate for mayor who holds another public office, whether federal, state, district, county, or municipal, if the terms or any part thereof run concurrently with the office of mayor without first resigning from the other office. shall have and possess, and maintain for the duration of the term, all of the qualifications outlined in Section 3.02 above. The mayor shall be elected for a term of three (3) years and shall serve until a successor takes office. If the mayor shall cease to possess any of the qualifications for the office of mayor during the term of office, the office shall be forfeit[ed] and the mayor shall be removed by the council.~~

(B) The mayor shall be subject to the terms and conditions listed in Section 3.06 and 3.07, above.

Sec. 4.03. - Vice-mayor: Election.

At the first council meeting in May, after each regular city election, or whenever a vacancy occurs, the council shall elect one of its members as vice-mayor. ~~While serving as acting mayor, the vice mayor shall not have a vote on any matter coming before the council.~~

Sec. 4.04. - Vice-mayor: Duties, term and appointment of council member [commissioner].

(A) During the temporary absence or temporary disability of the mayor, the vice-mayor of the council shall perform the duties of the office of mayor and ~~during such time shall not serve in the capacity of a~~ retains his or her duties as commissioner.

(B) In the case of the death, resignation, removal of the mayor, or a prolonged disability that is expected to last ~~beyond the normal remaining~~ term of the mayor, the vice-mayor shall perform the duties of the office of mayor until the next regular election. The city council shall by resolution at a regularly scheduled public hearing designate the vice-mayor as the mayor for the remainder of the term. At the next regular election, an election for a new mayor shall be held for the unexpired portion of the original mayor's term.

(C) Upon assuming the duties of the office of mayor in (B), above, the ~~vice-mayor~~ council shall appoint a ~~temporary~~ commissioner, in accordance with section 3.07 of the city charter, to fill the vacancy created by the vice-mayor serving as acting mayor. However, ~~the~~

~~temporary~~ such commissioner shall only hold office until the next regular election or if the vice-mayor reassumes the office, whichever first occurs.

Sec. 4.05. - Powers and duties of the mayor.

The mayor shall:

- (A) Preside over all council meetings and shall have the right to take part in discussion but may not vote.
- (B) Represent the city ~~in~~ at meetings designated by City Council in advance concerning matters of the intergovernmental relationships;
- (C) Be recognized as head of the city government for all ceremonial purposes only, by the governor ~~for purposes of military after the proper declaration of martial law by the governor~~, and for service of process;
- (D) Present an annual "state of the city" message to the City council on the first meeting in the Month of November of each year from the floor of the City Hall outlining issues of concern for the up-coming year and legislative and grant sessions;
- (E) Sign contracts as directed by City Council on behalf of the city that have been previously approved by the council.
- (F) ~~Set the agenda for council meetings and~~ Serve as presiding officer, ~~though the~~ at any scheduled or specially held city council shall retain the power to add such items to the agenda ~~as it may choose meeting.~~
- (G) Assist the City Manager to insert items in the City agenda under the Mayors report and perform such other duties as are specified in this charter or may be required by the c

Sec. 4.06. - Mayor: Veto power.

- (A) Except as otherwise provided herein, any ordinance or resolution adopted by the council shall be presented to the mayor for approval or disapproval. The Mayor shall approve or disapprove the item no later than 3 business days after the meeting in which the item was approved. If approved, the mayor shall sign the ordinance or resolution forthwith and deliver same to the City Clerk with immediate action and it shall become effective according to the terms thereof. ~~If vetod disapproved~~, the mayor shall, no later than the next regular meeting of the council ~~occurring or~~ 30 days ~~or more~~ after the date the ordinance or resolution was ~~presented to the mayor first adopted by the council, whichever occurs first~~, return the ordinance or resolution to the council without his or her signature, accompanied by a message indicating the reasons for the disapproval and recommendation. The council may override the disapproval of the mayor by a ~~two thirds (2/3)~~ majority vote of all the commissioners present at the meeting in which the disapproval is received, in which event, the ordinance or resolution shall become effective 10 days after such meeting. In the event the mayor does not approve the ordinance or resolution and does not return the disapproved ordinance to the council by the next regular meeting of the council ~~occurring or~~ 30 days ~~or more~~ after the date the ordinance or resolution was ~~presented to the mayor first adopted by the council, whichever occurs first~~, the ordinance or resolution shall become effective ~~10 days after~~ immediately. City Clerk shall keep track of such meeting time periods and provide to council the outcome of any action or inaction by the mayor as to any use of the veto power.
- (B) Ordinances or resolutions regarding the following matters shall not be subject to ~~approval or disapproval by Veto power of the~~ mayor:
 - (1) Quasi-judicial decisions of the council, including by way of example but not by way of limitation, interpretations of the City of Belle Isle Code and appeals of City Board decisions;
 - (2) Reductions in code enforcement penalties;
 - (3) Determinations of the council to enter into a contract;
 - (4) Personnel actions, including but not limited to, hiring, termination, disciplinary and promotional decisions; and
 - (5) Decisions regarding issues to be placed on or removed from council agenda.

After discussion, Council consensus was to not make any changes to Sec 4.06 at this time. Section 4.06 should remain in its current form.

Sec. 4.11. - City Clerk

There shall be a city clerk appointed and subject to removal, upon recommendation of the City Manager, by a majority of the city council. The city clerk shall give notice of council meetings to its members and the public, keep a record and journal of its proceedings which shall be a public record, and prepare minutes of meetings, maintain city records, be the custodian for city records, comply with all requirements under Florida Law or the city's charter, ordinances or resolutions for records management,

perform such other duties as are assigned by this charter ~~or the city manager,~~ city ordinances and resolutions or vote by City Council. The City clerk shall be under the supervision of the City Manager. In addition to the record keeping duties of the City Clerk, the City Clerk may be designated tasks by the City Manager.

Sec. 4.13. - Administrative code.

The City Manager shall develop and keep current an administrative code for the purpose of implementing ordinances passed by the council, subject to approval by Council and adopted by resolution.

After review of the Charter, Attorney Callan said he will provide the City Manager his comments and changes for the next Council meeting.

OTHER BUSINESS

- Commissioner Lance gave an invitation to Council for a Chili Cook Off at Daetwyler Shores on November 11 from 4:00-7:00pm. He further reported that a friend from Minneapolis told him that he heard from some friends in Houston who thanked the City of Belle Isle for all their help.
- Comm Carugno asked if the Council can schedule a special called meeting to repeal the emergency ordinance. He further asked if the City can contact Orange County to slow down the release of the Lake water before it goes too low. Discussion ensued.
Council consensus was to wait until further information is received from Orange County EPD before lifting the emergency ordinance and the debris on the Lake has been cleared.
- Mayor Pisano reported that the Special Events Committee met and has recommended a Veterans Day Parade on October 11, 2017. Council asked for a report of proposed expenses to be reviewed at the following City Council meeting. They shared their concern of the short time frame to organize a successful event. Mayor Pisano said she will start getting sponsors for the event and advertise accordingly.

ADJOURNMENT

There being no further business, Mayor Pisano adjourned the workshop at 8:30pm.

Yolanda Quiceno
CMC, City Clerk