



city council minutes

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

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

Present:

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

Absent:

Commissioner Mosse

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

CALL TO ORDER

Mayor Pisano called the meeting to order at 6:30pm. Vice Mayor Readey gave the invocation and led the pledge to the flag.

CONSENT AGENDA

- a) Proclamation designating June 12th as Orlando United Day – A Day of Love and Kindness
- b) Approval of the City Council regular session minutes of May 2, 2017
- c) Approval of the City Council regular session minutes of May 16, 2017
- d) Approval of the City Council workshop session minutes of May 24, 2017

**Vice Mayor Readey motioned to approve the consent items as presented.
Comm Nielsen seconded the motion.**

Comm Carugno stated for the record he misspoke on a discussion regarding the Seminole property. He clarified that during the discussion he assumed that the septic tanks were removed. He corrected his comment, for the record, and said the septic tanks were vacated.

The motion was unanimously approved.

CITIZEN'S COMMENTS

Mayor Pisano opened for Citizen Comments.

1. Greg Gent residing at 2924 Nela Avenue provide for the record a letter dated June 6, 2017 addressing his concerns with the Comins Development Request for Relief. He encouraged Council and the developer to make efforts to develop something compatible with the character of Belle Isle and not to overdevelop the lakeshore. He spoke in opposition; however would support a common sense solution that allows for an appropriate density to be built.
2. Faye Evans residing at 1614 Overlook Road reported sitting rain water in front of her home. She stated that she has reported the situation for over three years and would like this issue resolved.
3. Donna Wright residing at 1810 Stafford Drive conceded her time to Holly Bobrowski.

4. Steve Up residing at 5413 Pasadena Drive thanked City Council for their service and shared his disappointment to hear that there was an effort to remove the Mayor. The actions of these individuals were innocent and the proposed investigation was a waste of his tax dollars.
5. Holly Bobrowski residing at 2400 Hoffner Avenue said she is agreement with Steve Up. She provided for the record a statement with regards to the events on April 29, 2017 and stated that she does not believe there was anything inappropriately done by either of the individuals and Council should work towards the good of the community.

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

UNFINISHED BUSINESS

Memorandum of Understanding (MOU) between Orange County, Orange County Sheriff's Office and City of Belle Isle Police Department (BIPD) for Warren Park.

City Manager Bob Francis gave a brief background of the approved proposed Warren Park Canoe Launch Site Plan. He noted, as a condition of approval a MOU was to be executed, within 90 days, for the patrol and enforcement responsibilities within the park and surrounding the canoe launch. Mr. Francis said the City has received, from Orange County, a signed agreement and asked for Council approval.

**Comm Lance motioned to approve the Memorandum of Understanding between Orange County and Belle Isle that outlines the responsibilities of reinforcement at Warren Park.
Comm Gold seconded the motion.**

Council discussed after hours park access and routing incoming 911 calls to the Belle Isle Police Department first then the Orange County Sheriff's Office.

Mike Sudmeyer, Manager of the Orange County Parks and Recreation Division, said they can provide the BIPD the combination code to the Warren Park locks.

After discussion the motion passed 5:1 with Comm Carugno, nay.

**Comm Nielsen motioned to adjourn the meeting at 8:30pm.
Comm Lance amended the motion to have the meeting end at 9:00pm for discussion.
After discussion, the motion failed 3:3 with Comm Carugno, Comm Weinsier and Comm Gold, nay.**

NEW BUSINESS

RESOLUTION NO. 17-06

A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AMENDING THE FISCAL YEAR 2016-2017 ANNUAL BUDGET TO INCREASE THE BUDGETED EXPENDITURES FOR STREET RESURFACING WITHIN THE PUBLIC WORKS DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.

Bob Francis presented Resolution 17-06 and said the estimates for the project previously approved by Council were incorrect and therefore the project was not adequately funded. In addition, Mr. Francis provided an additional estimate to include for paving Peninsular Drive and Jetport Drive. These additional estimates are \$9,567.50 and \$18,812.50 respectively. Mr. Francis requested an amendment to reflect,

- quotes for resurfacing using a 1.5" milling;
- quote of \$670,961.25 to resurface the budgeted streets with a deeper milling; and
- authorize a budget amendment to transfer \$350,961.25.

**Vice Mayor Readey motioned to approve Resolution 17-06 as amended.
Comm Lance seconded the motion which was unanimously approved.**

RESOLUTION NO. 17-07

A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AMENDING THE FISCAL YEAR 2016-2017 ANNUAL BUDGET TO TRANSFER FUNDS BETWEEN EXPENDITURE LINES WITHIN THE POLICE DEPARTMENT TO FUND THE PURCHASE OF TWO POLICE VEHICLES; AND PROVIDING AN EFFECTIVE DATE.

Bob Francis presented Resolution 17-07 and said the City allocated \$80,000 for the renovation of the Police Department building for 2016/17; however, the renovation was completed with donated funds. Since the original funds were not used for the budgeted capital improvements the Police Chief is requesting the budgeted funds be transferred from the building project expenditure line to vehicle purchase. The total cost for two additional vehicles will be \$52,649.85 and the remainder of the transfer will be allocated to an equipment replacement plan which will be discussed at a future workshop.

**Comm Weinsier motioned to approve Resolution 17-07 as presented.
Comm Gold seconded the motion which was unanimously approved.**

RESOLUTION NO. 17-08

A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AMENDING THE FISCAL YEAR 2016-2017 ANNUAL BUDGET TO INCREASE THE BUDGETED EXPENDITURES FOR CAPITAL IMPROVEMENTS WITHIN THE STORMWATER FUND FOR THE PERKINS BOAT RAMP PROJECT; AND PROVIDING AN EFFECTIVE DATE.

Bob Francis presented Resolution 17-08 and said the City allocated \$38,000 –from the FY 2015/2106 Stormwater Fund to repair the Perkins Boat Ramp, new signage and fencing; however, at that time the repairs were not completed due to the high water levels. He asked for Council approval for the repair of the ramp and the drainage in the amount of \$38,000 from the Stormwater Fund as previously presented. The new signage and fencing should be re-allocated to the general fund and be included in next year's budget discussion.

**Comm Weinsier motioned to approve Resolution 17-08 as discussed to allocate \$38,000 from the Stormwater Fund to complete the Perkins Boat Ramp and the storm drainage project.
Comm Lance seconded the motion which was unanimously approved.**

RESOLUTION NO. 17-09

A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA ASKING GOVERNOR RICK SCOTT TO VETO CS/HB 687 AND SUPPORT THE HOME RULE AUTHORITY GRANTED AND GUARANTEED LOCAL MUNICIPALITIES BY THE FLORIDA CONSTITUTION.

Mayor Pisano presented Resolution 17-09 and said at the request of the Florida League of Cities, the City is being asked to approve a resolution requesting Governor Scott to veto this legislation. Legislation HB687 supports efforts to strip cities of the ability to regulate the placement of unsightly and potentially unsafe wireless communications equipment on city property and take away home rule.

**Comm Lance motioned to approve Resolution 17-09 requesting Governor Scott to veto CS/CS/HB687.
Comm Weinsier seconded the motion which was unanimously approved.**

ATTORNEY REPORT

Comins Development I, LLC's – Request for Relief Pursuant to SS 70.51, FLA, STAT. (2017)

Attorney Callan reported on the Request for Relief filed by Comins Development I, LLC to rezone their property located at 7710, 7728 and 7740 Daetwyler Drive. On June 1st, by and through its undersigned attorneys, the owner filed a Request for Relief pursuant to SS 70.51 FL Stat. (2017) from City Council's denial of their request for approval of a preliminary subdivisions plan and rezoning from a R2 to a PD. Attorney Callan gave a brief statement of the Common Land Use Law process and acceptable requirements for response. He stated that the City must file a response not later than 15 days on receipt of the Request for Relief. In addition, the City will have 21 days to notify anyone who appeared at the Public meeting to allow them the opportunity to be a participant at the magistrate proceeding and hold a hearing within 45 days.

Attorney Callan said this is a non-binding process and asked for Council approval to designate the City Attorney and the City Manager authority to comply with the statute and meet the deadlines as prescribed.

After Council discussion, Comm Lance motioned to,

- **designate City Manager Bob Francis as the lead to represent the City in this process under Section 7.51 to comply with all the requirements under that section;**
- **allow the City Attorney to send the request to a special magistrate;**
- **set the location of the hearing;**
- **send out the proper notices; and**
- **formulate the response to the Request for Relief.**

Comm Nielsen seconded the motion which was unanimously approved.

City Attorney and City Manger will provide an update at the following Council meeting

Attorney Report requested by Council at the May 16th, 2017 City Council regular session

Attorney Callan reported on the request made by Council at the May 16, 2017 meeting concerning the allegations arising from the April 29th City computer disposal event. Attorney Callan provided a package that included a 20 page document dated June 5, 2017, a 99 page supplement containing statements and face book posts and, by drop box, both the WFTV news clips and three mini videos of Mr. Cedric Frazier's statement. He gave a brief summary of the findings and circumstances that arose from the April 29th City event, reports and accusations filed. Following he spoke of whether there was any unauthorized spending of City funds and inappropriate direction to City staff made by the Mayor.

Attorney Callan stated under the Belle Isle Charter Section 3.07(B)(2) a commissioner can be removed for violation of standard of conduct or code of ethics established by law. He said that there were no findings of ill-will by either party. The course of action or response by Council can take many form such as; (1) do nothing, reprimand or an admonition, suspension or removal.

Attorney Callan stated he does have concerns with the statements made to WFTV News by the Mayor. Under Section 4.05 of the City Code the Mayor has limited authority and is not the Chief Executive of the City or a spokes person of the City. The Mayor only represents the City in ceremonial purposes and intergovernmental relationships. The course of action or response by Council under Section 4.04 of the Charter is the only reference to the removal of the Mayor which shall result in the Vice Mayor taking over those duties. While the Charter contemplates the removal of a Mayor or a Commissioner, there is no Charter provision outlining a procedure for reprimand or suspension. Council will need to provide what direction, if any, they which to pursue.

Attorney Callan then spoke of the second direction from Council to review the unauthorized City purchases of items for special events by the Mayor. He stated that he met with the Finance Director and the City Clerk to discuss the issues presented. He stated that it is very clear that the Mayor does not have any authority to make purchases on behalf of the City; however, she has informed the Council of the special event purchases. He stated that the findings were that all purchases appear to be made under the financial limit of the City Manager, by City staff at the direction of the Mayor; on events that were disclosed to Council at a meeting prior to expenditure; and were later endorsed by City Manager approval and in some instances paid by a check signed by two City Council members. Discussion ensued.

Comm Weinsier said he believes the Mayor is providing a service by coordinating events and is not required to do so and has done a good job. In the absence of a City Manager, the Mayor assumed some of those responsibilities. He, however, would like to see a process formulated on purchases for future events. His concern is speaking to news reporters representing the City. He would like to ensure that any future comments made to the media, on behalf of the City, be approved by Council. If a statement is made a disclaimer should be made that their statement is as a citizen and not on behalf of the City.

Vice Mayor Readey motioned to put these events aside. There was no malice intended and that the report speaks for itself.

Comm Lance seconded the motion for discussion.

Bob Francis spoke to the unauthorized expenditures and directing of City staff. Since his employment as the City Manager he stated that he has not seen the Mayor directing any City staff without consulting with him first. He is in agreement with Comm Weinsier that a policy should be formulated including one for social media, special events, and rules of council and civility of council moving forward. In addition, he would like to have Council designate a public information office (PIO) to speak on behalf of the City. He believes policies should be put in place to avoid these types of situations in the future.

Comm Lance read an excerpt from an email he received from Donna Wright which read, "The measure of a man (or woman) is ultimately their actions." Comm Lance said this does not only apply to the Commissioners but to the Mayor and the residents. His only intent to agree to the investigation was to clear the reputation and honesty of Commissioner Gold. He further apologized for any miscommunications regarding the issues discussed on the April 29th event.

Comm Nielsen said everyone is correct that the theft of the computers was not an issue, there was no ill intent and should have been left alone. The Mayor was advised by the City Manager and City Attorney to leave it alone; and she chose to make a statement. This caused a problem, and initiated for an investigation to clear the integrity of Commissioner Gold.

Comm Gold stated that he has been accused of perjury twice by the Mayor in sworn statements. He does not appreciate the accusation and will find it hard to continue to serve under the circumstances if it was to continue in the future. Mayor Pisano stated that there are a lot of inconsistencies with the findings.

Chief Houston stated that the Police Department has concluded that there was no theft and the case is closed.

After discussion, Vice Mayor Readey reiterated his motion to put the matter to rest.
Comm Lance seconded the motion which was unanimously approved.

Comm Lance motioned to appoint the City Manager as the Public Information Officer for the City.

Comm Carugno seconded the motion.

Vice Mayor Readey shared his concern and said if an individual wants to speak on an issue they should be allowed to do so.

Attorney Callan stated that he has first amendment concerns as well. He offered to draft a reasonable policy that will have guidelines for the Mayor, Council and staff to talk to the press however, not in front City Hall or in front of the City seal to give the impression that they are speaking on behalf of the City. He will bring forward a draft document for review and approval.

Attorney Callan reported that he will be on vacation for the following two weeks. In the meantime, his office will be gathering any information on the real estate issue that may arise.

Mayor Pisano, acknowledged Steve Upp. Mr. Upp stated that he saw the news interview and the Mayor was speaking for herself and not the City.

BING GRANTS

Mayor Pisano provided and gave an overview of Bing Grant submittals as follows,

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| 1. Windsor Place – District 7 | Replace video surveillance system | \$3,895.00 |
| 2. Lake Conway Shores – District 1 | Replacement of wood pavilion | \$3,365.00 |
| 3. Lake Conway East – District 6 | Landscaping | \$1,635.00 |
| 4. Windward on Lake Conway – District 4 | Lighting | \$2,910.00 |

Comm Carugno motioned to approve the Bing Grants as presented.

Comm Lance seconded the motion which was unanimously approved.

CITY MANAGER REPORT

Project Update

Bob Francis reported on the following project updates,

- Lake Conway Shores Drainage project has been delayed to mid-June due to weather
- Meeting with an Engineer to inspect the Charter School facility to start the capital improvement project plan for replacing major infrastructure items.
- Working with an Orange County Surveyor to place a gauge at the Perkins Boat Ramp as required by Ordinance.
- Next week working with contractor to adjust the Nela Bridge lights
- Duke Energy will be visiting to review the LED lighting throughout the City and discuss proposed solar projects
- Bulletin to be distributed in July. Articles should be submitted no later than next week.

MAYOR'S REPORT

- Mayor Pisano reported that she has submitted the grant for the messaging board through the FLC grant.
- Pulse event will be taking place on June 12th at Lake Eola .
- Save the Date – July 6th for Congresswoman Val Demings Town Hall meeting

Mayor Pisano called for a motion to officially cancel the July 4th Regular Session.

Comm Lance motioned to cancel the July 4th City Council Regular Session in observance of Independence Day.

Comm Carugno seconded the motion which was unanimously approved.

COUNCIL REPORTS

Comm Nielsen – District 7 – no report.

Comm Lance – District 4

- Comm Lance reported on an article in the Central Florida monthly report on Belle Isle families.
- NAV Board meeting to be posted for next Tuesday at 6:30pm.

Comm Weinsier – District 3 – no report.

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Vice Mayor Readey – District 5 - no report.

Comm Carugno – District 2

- Comm Carugno asked if we can add NAV Board report and Police Department updates on the next agenda.
- Comm Carugno reported on some boaters on the lake that are taking surveillance of residential properties and stealing items from the surrounding homes.

Comm Gold – District 1

Comm Gold addressed resident concerns on loud music in moving vehicles in the early morning hours.

CHIEF'S REPORT

- Chief Houston reported that during the Click It or Ticket Campaign the officers issued 120 tickets for drivers not wearing their seatbelts.
- The agency is currently in full capacity and looking into re-establishing the Elderly program.
- We will be one of the first Departments in Florida to demo new computer software in anti-terrorism for law enforcement throughout the State. He will keep Council posted when finalized.

There being no further business, Mayor Pisano called for a motion to adjourn, unanimously approved at 8:55p.m.

Yolanda Quiceno
CMC-City Clerk