



city council minutes

MINUTES **October 2, 2018 * 6:30 PM** **City Council Meeting** **City Hall Chambers, 1600 Nela Avenue**

The Belle Isle City Council met in a regular session on October 2, 2018, at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Mayor Lydia Pisano
Commissioner Gold
Commissioner Anthony Carugno
Commissioner Jeremy Weinsier
Commissioner Mike Sims
Commissioner Harv Readey
Commissioner Jim Partin
Commissioner Sue Nielsen

Absent was:

Also present were City Manager Bob Francis, Attorney Kurt Ardaman and City Clerk Yolanda Quiceno.

CALL TO ORDER

Mayor Pisano called the City Council Hearing session to order at 6:30 pm and the City Clerk confirmed quorum. Commissioner Weinsier gave the invocation and led the Pledge to the flag.

CONSENT AGENDA

- a. Proclamation declaring October 23-31, 2018 National Red Ribbon Week
- b. Proclamation declaring October 2018 Down Syndrome Awareness Month
- c. Approval of the City Council Regular Session minutes September 4, 2018
- d. Approval of the City Council Budget Workshop minutes – September 4, 2018

Comm Sims motioned to approved consent agenda as presented.
Comm Weinsier seconded the motion which passed unanimously.

CITIZEN COMMENT

Karl Shuck residing at 1658 Wind Willow Road waived his request.

Anita Sacco residing at 4913 Jinou Avenue spoke in favor of Resolution 18-15; however, she stated if it is going to be retroactive she is stridently opposed.

Holly Bobrowski residing at 2400 Hoffner Avenue is in agreement with Ms. Sacco and that it should have been placed a long time ago. However, she shared her concern with Section – Reimbursements Page 4, Line 5. She does not believe investigations should be covered or for those person claiming immunity. She should like to see the Ordinance approved from the date of passage and not some arbitrary date in the past.

Gary Mellon 6101 Matchett Road announced that the City staff, some residents. EPD and Engineer will be meeting on October 4th at 5:30 pm at the corner of Matchett & Wallace to discuss the installation of a new pipe to reroute the runoff and nutrients that feed into Lake Conway. He encouraged resident participation.

There being no further business Mayor Pisano closed Citizen Comments and opened for Council discussion.

UNFINISHED BUSINESS – no report.

NEW BUSINESS

Approval of Accountant Proposals for Annual Audits

City Manager Francis gave an update on RFP submittals received for annual auditing services: McDirmit Davis and Clifton Larson Allen (CLA). Mr. Francis said these are both good firms however after reviewing the proposal, the staff is recommending the City accept the proposal of McDirmit Davis for the following reasons:

1. CLA's proposal did not address our requirement of having to prepare the CAFR for us and did not provide a list of those clients that already receive that service.
2. CLA's clients are primarily focused around Tampa and Fort Myers; they did not list a single client in Central Florida.
3. CLA's clients are of all sizes including up to a population \$373,000
4. CLA did not provide a flat fee cost estimate for a single audit but only provide hourly rates for additional services
5. CLA was not clear if they would provide year-round accounting consulting assistance and if so, if it was free or at a cost.
6. Cost difference is insignificant (\$700 for 2018; \$500 for 2019 and \$500 for 2020).

There no discussion, Comm Weinsier motioned to approve the proposal of McDirmit Davis for auditing services for the years 2018-2020.

Comm Sims seconded the motion which passed unanimously.

ORDINANCE NO. 18-11 - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, CHANGING THE ABSENTEE REQUIREMENTS FOR THE TREE BOARD MEMBERS; SEVERABILITY; CONFLICTS AND EFFECTIVE DATE

City Clerk read Ordinance 18-11 by title.

Mr. Francis said the Tree Board discussed this issue due to some unexcused absences. The first ordinance was not clear on Board member's unexcused absences and the Board wanted to ensure all members are committed. The ordinance will state if a member misses two regularly scheduled meetings in a calendar year, without cause of being excused, will be released from their duties.

After discussion, Comm Gold motioned to advance Ordinance 18-11 as proposed for second reading and adoption.

Comm Weinsier seconded the motion which passed unanimously.

RESOLUTION NO. 18-15 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, ADOPTING A POLICY GOVERNING REIMBURSEMENT OF PUBLIC OFFICERS AND EMPLOYEES OF THE CITY FOR ATTORNEYS' FEES AND COURT COSTS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

City Clerk read Resolution 18-15 by title.

Bob Francis said the Resolution establishes a process of reimbursement for City Council and the Mayor of legal services. Mr. Francis referenced Sections 111-07 and 286.11, Paragraph 7 and said he did not find any reference to immunity as commented in public comments.

Comm Readey motioned to adopt Resolution 18-15 as presented

Comm Gold seconded the motion.

Mayor Pisano opened for Council discussion.

Comm Gold said there is no retroactive provision in this Resolution and he is not aware that it would be possible. However, he will ask for reimbursement of his legal expenses under a separate item because it is about defending the City and himself.

Comm Weinsier said this Resolution will protect the individuals who are elected for an unpaid position. Anyone can file an investigation and an attorney would need to be present to represent the City and its members in a serious situation.

Comm Readey said this is an unpaid position and find it important that this is provided for its members. We can find that it may be very hard in the future to find professional public servants if there is no reimbursement prescribed for potential violations. He believes this is a good Resolution and would like to see it approved. In addition, he said he

hired an attorney who told him not to present for the State Attorney Investigation unless he was formally charged and spent approximately \$800.00 in legal fees.

Comm Gold said he likes the way the Resolution is written. He spoke of the events from the State Attorney's Investigation which was the reason for obtaining a lawyer to protect himself and everyone else. He noted that he heard that someone was going to get all the recordings from the State Attorney's Office for \$150 dollars but nothing ever come from that.

There being no further Council discussion, Mayor Pisano called for the motion which was unanimously approved 7:0.

Discussion/Possible Action on Use of Electronic Devices

Mr. Francis said after the public comment discussed at the previous meeting, it was requested that the use of electronic devices be brought forward for discussion.

Comm Nielsen said on April 22, 2016, Attorney Kruppenbacher addressed the Council and the Mayor and spoke to the use of emails and texts. At that meeting, Attorney Kruppenbacher said each City Council member has been issued a phone and email and should be used solely for City business; in addition, he said it would help not to be late with City records when they are requested. Since that time the Council and Mayor were very well aware of the policy. For some reason, the Mayor continues to use her personal phone and personal email for City business; unfortunately, she has not been forwarding those messages to her City email as instructed in 2016.

Not long ago the City passed a Social Media Policy speaking to the use of electronic devices. Comm Nielsen said all elected officials are obligated by Section 3.07 and 3.10 of the City Charter not to violate any standard code of ethics or fail to comply with the code of conduct established by law. All elected officials are obligated to provide any public records requests no matter what device is used to create the records. She does not believe June to October is a reasonable use of time and recommends that City Council instruct the Mayor to bring forward the request to Mr. Shuck as requested within one week.

Mayor Pisano said she has not used her personal email for City business. Once in a while, there are residents who email her and she immediately copies her City email. Mayor Pisano said she has complied with the texts request and have forwarded 47 emails with attachments to the City Clerk for a response.

Mayor Pisano further stated that she has a large number of telephone numbers to research and she continues to redact the phone records transparently. It is a very time-consuming process and an impossible task to get the records within a week.

After discussion, Comm Sims said the message is clear and would like to believe that Council is much more concerned about future behavior moving forward. He would like Council and Mayor, commitment assurance that all future behavior on the use of city phones and emails will be proper and relieve this burden.

Comm Nielsen agrees with Comm Sims, however, she does not believe the behavior is going to change.

Comm Nielsen moved to stop the discussion.

Comm Weinsier said Council does not have the ability to enforce a time limit on the Mayor on her duties. The only way to enforce the records law in Florida is to file a civil lawsuit if a person does not receive what they are looking for. He hopes that the Mayor is moving fast enough to not have that happen.

Comm Gold recommends that everyone use the City account. There are a timeliness aspect and an expense aspect with this request. The City is using City legal time to consult with the Attorney regarding this public record in the amount of \$1500. The City Attorney represents the City and not an individual on Council. Mr. Francis said since this request was submitted in June, the \$1500 cost of legal fees cover time to consult with the Mayor and speaking with the City Clerk and the City Manager regarding this public request.

Attorney Ardaman said because of some of the issues involved he has had conversations with the Staff and the Mayor to make sure that the City is protected. If there have been two separate phones used the City may not have had this issue. He can probe ably provide a more detailed bill to separate the conversations with the Mayor and staff.

**After further discussion, Comm Sims moved to stop discussion on this topic and move forward.
Comm Readey seconded the motion which passed unanimously 7:0.**

Mr. Francis provided an Acknowledgement Form for receipt and review of the Social Media Policy and ask that Council sign and submit the completed form to the City Clerk for the file.

ATTORNEY'S REPORT

Attorney Ardaman reported on the Cornerstone Charter School matter. He had numerous conversations with OCPS General Council and they are not willing to take the position with respect to the City of Edgewood and the City of Belle Isle's interaction with the Charter School. In order to achieve the Councils objective to gain a greater involvement and control at this point, the only mechanism will be a type of a lawsuit or approach the OCPS Board directly to take a stronger position.

Comm Nielsen said she would like to pursue other options to open discussions with the OCPS Board members. In addition, perhaps the proposed joint meeting with the CCA Board would work out well and the City can move forward.

Mr. Francis said if the City Council and the CCA Board can agree to a joint meeting he would be able to have a third party facilitator. He is looking to schedule this joint meeting before the next CCA Board meeting at the end of January. Mr. Francis asked that Council considered removing OCPS from the discussion and solve the matter amongst ourselves.

CITY MANAGER'S REPORT

- a. NAV Report – Mr. Francis provided a summary of the last NAV meeting. He reported that the Board of County Commissioners canceled the October 9th public hearing because some of the persons involved never received a notice because their addresses are confidential. They will re-notice the hearing on Cross Lake Beach and schedule another date.

The County said that the property owners abutting Cross Lake Beach will need to provide assurances that they have proper ingress/egress for this property under the City's Code, Section 18-15. The property owners do have the option to ask Council for a Resolution to assure the ingress/egress on this property. For information, Mr. Francis provided a draft layout of the proposed ingress/egress layout for Cross Lake Beach that he will propose to the abutting homeowners. If approved by the homeowner Mr. Francis will propose the layout to BOCC for approval.

- b. Orange County Drainage Project – Matchett Road

Mr. Francis was notified of a drainage project at Matchett Road toward the intersection of Wallace and Matchett on the Orange County side. Orange County did not inform the City that they are putting the pipe over to the City's side of the road and will connect to the 28-inch pipe that flows into Lake Conway. He wrote to the Drainage Engineer and asked that they have a stakeholders meeting before moving forward with the proposed project. Discussion ensued.

Mr. Francis asked Council if they wanted to post the meeting as a Public meeting to allow for Council members to attend. EPD requested a feasibility study from Orange County that shows how they will stop the nutrients from going into the lake. Orange County said it was just a drainage project and nothing was submitted.

Council consensus was to have the City Clerk post the Public Hearing for October 7th at 5:30 pm at the Intersection at Wallace and Matchett. Attendees can park at 6101 Matchett Road.

- c. Resolve Traffic Issues on Hoffner at Wawa

Orange County Traffic Engineer submitted to the City two diagrams on how they proposed to resolve the issues on Hoffner. They are proposing two different types of medians. After review, Bob Francis recommended a stakeholders meeting to pursue other options. The City will contact the merchants at the shopping center and across the street to meet at Cork & Fork to discuss and resolve this issue.

- d. Lake Conway Shore project will restart next week.

- e. Surplus Property at the School

Mr. Francis provided a memorandum for Surplus Property at the Charter School. As per Section 2-221, the City Council shall have the discretion to classify as a surplus of property that is obsolete. The school has two warmers, two ovens

and a Vulcan steamer for disposal. If the council deems the property obsolete he is requesting, at his discretion, to donate or destroy or abandon the property. In lieu of this request, Mr. Francis asked if the City had ever created an asset inventory list. He sent an email to Mr. Brooks and Mr. Severns to see if there is one on file, if not he would need to create one for the record. Council consensus was to have the City Manager moved forward as necessary.

f. Chief's Report

- a. October 3rd – Coffee with a Copy at Wawa on Hoffner Avenue.
- b. Chief Houston announced that on October 10th the City will have a National Walk & Bike to School

g. Tree Board Report

- a. Holly Bobrowski announced the upcoming Tree Board sponsored events and initiatives,
 - i. October 29th – Bat Conservancy
 - ii. January – Master Beekeeper Event
 - iii. April - Arbor Day Event
 - iv. Replace of trees on Lake Conway East right of way
 - v. Updated Tree Ordinance for Council discussion and approval

MAYOR'S REPORT

- a. Mayor Pisano announced that Cindy Lance has resigned from the Special Events Committee. The City will send an e-left for interested members.
- b. Mayor Pisano announced the following dates for future events,
 - November 10th Veterans Day event
 - Dec 5th reserved for the Tree lighting and Snow Day
 - Dec 19th Santa Ride Around.

Comm Nielsen said Council agreed, at the Feb 18th meeting, that under no uncertain terms will the Council approve any events without the proper information per the policy. Mayor Pisano said she would like to have the dates approved for planning. There was no action taken on the proposed event dates.

COUNCIL REPORT

1. Comm Nielsen – no report.
2. Comm Partin – Wanted to inform the Community that the Bing Grants are open for the new year.
3. **Comm Sims discussed the following City Council meetings of Oct 16th and Oct 30th. He moved to cancel the November 20th meeting due to the Thanksgiving holiday. Comm Carugno seconded the motion which passed unanimously.**
4. Comm Readey spoke of the required maintenance with the A/C units at the school and asked if there was a maintenance agreement on file. Mr. Francis said that there was an agreement on file.
5. Comm Nielsen opened discussion on having a required meeting in November per City Charter 3.08.
After discussion, Comm Readey motioned to cancel the November 20th meeting and reschedule it to November 13, 2018, at 6:30 pm. Comm Nielsen seconded the motion which passed unanimously 7:0.
6. Comm Weinsier said he will not be able to attend the next City Council meeting.
7. He announced the October 6th Pine Castle Historical Society BBQ from 6-9pm honoring law enforcement at the City of Edgewood City Hall.

8. Comm Carugno announced the following,
 - Comm Carugno gave a brief overview of the ANAC (Aviation Authority) meeting. He said around October 16-18 there will be additional air traffic in the surrounding area. There will also be a runway closing in the east complex in February 2019 for 180 days which will create additional air traffic in the surrounding area in Belle Isle.
 - Boat Parade on December 14th, 15th and 16th, 2018
9. Comm Gold asked for the City to research better audio and video for future meetings which have become very popular.

ADJOURNMENT

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 8:21 p.m.

Yolanda Quiceno, CMC, City Clerk

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