



# city council minutes

MINUTES  
July 3, 2018  
City Council Regular Session:  
Regular Session 6:30 pm

The Belle Isle City Council met in a regular session on July 3, 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  
Vice Mayor/Commissioner Harvey Readey  
Commissioner Gold  
Commissioner Anthony Carugno  
Commissioner Jeremy Weinsier  
Commissioner Jim Partin  
Commissioner Sue Nielsen

Absent was:

Commissioner Mike Sims

Also present was City Manager Bob Francis, Attorney Kurt Ardaman, Chief Houston, Admin Assistant Heidi Peacock and City Clerk Yolanda Quiceno.

## CALL TO ORDER

Mayor Pisano called the regular session to order at 6:30 pm and the City Clerk confirmed quorum. Comm Gold gave the invocation and led the Pledge to the flag.

Mayor Pisano called for a motion to excuse Comm Sims from tonight's meeting.

**Comm Gold motioned to excuse Comm Sims for tonight's meeting.**

**Comm Weinsier seconded the motion which passed unanimously 6:0.**

## CONSENT ITEMS – no report

## CITIZEN COMMENTS

Mayor Pisano opened for citizen comments.

- Holly Bobrowski residing at 2400 Hoffner Avenue spoke in opposition of allowing AirBnB's in the City.

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

## UNFINISHED BUSINESS

- a) ORDINANCE NO. 18-06 - SECOND READING AND ADOPTION: AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE CITY CODE ENACTING A FERTILIZER MANAGEMENT ORDINANCE REGULATING THE APPLICATION OF FERTILIZER TO LAWNS AND TURF IN THE CITY OF BELLE ISLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR SEASONAL RESTRICTIONS ON FERTILIZER APPLICATION; PROVIDING RESTRICTIONS FOR FERTILIZER CONSTITUENTS PHOSPHORUS AND NITROGEN; PROVIDING FOR RESTRICTIONS IN RATES OF FERTILIZER APPLICATION; PROVIDING FOR TRAINING REQUIREMENTS FOR COMMERCIAL APPLICATORS OF FERTILIZER; PROVIDING FOR EXEMPTIONS; PROVIDING FOR VARIANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR INCLUSION INTO CODE; AND PROVIDING FOR CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

**City Manager read by title.**

**Comm Nielsen moved to adopt Ordinance 18-06.**

**Comm Gold seconded the motion which passed unanimously upon roll call 6:0.**

- b) ORDINANCE NO. 18-07 - SECOND READING AND ADOPTION: AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, ADOPTING A 90-DAY MORATORIUM ON LOT SPLITS AS GOVERNED BY SECTION 50-33(6) OF THE CITY CODE; PROVIDING THAT THE CITY SHALL NOT ACCEPT, PROCESS, OR CONSIDER LOT SPLIT APPLICATIONS DURING THE MORATORIUM; PROVIDING FOR EXTENSION, EXPIRATION, AND RENEWAL OF THE MORATORIUM; PROVIDING FOR SEVERABILITY, CONFLICTS, NONCODIFICATION, AND AN EFFECTIVE DATE.

**City Manager read by title.**

**Comm Nielsen moved to adopt Ordinance 18-07.  
Comm Readey seconded the motion.**

**Comm Gold said he is opposed to this Ordinance and is not necessary to uphold the process.**

**Comm Carugno asked for clarification on the purpose of the Moratorium.**

**Mr. Francis said the reason for the moratorium was to give the City staff time to address the problems, issues, impacts, and concerns and to determine if there will be long-term detrimental impacts to residents, structures, property values and other adverse impacts from lot splits.**

**Comm Weinsier requested a 60-day review for completion.**

**Upon roll call, the motion passed 4:2 with Comm Carugno, nay and Comm Gold, nay.**

#### **NEW BUSINESS**

- a) ORDINANCE NO. 18-08- FIRST READING AND CONSIDERATION: AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, REPEALING AND REPLACING ORDINANCE 17-07 AND AMENDING CHAPTER 4, SECTION 4-1 OF THE BELLE ISLE CITY CODE TO DESIGNATE CERTAIN AREAS WITHIN THE JURISDICTIONAL LIMITS OF THE CITY AS A RESTRICTED HUNTING AREA; PROVIDING FOR DEMARCATION OF THE RESTRICTED HUNTING AREA; PROVIDING FOR ADDITIONAL DUTIES AND RESPONSIBILITIES OF CITY DEPARTMENTS; PROVIDING FOR PENALTIES, SETTING FORTH UNLAWFUL CONDUCT, AND COMPLIANCE METHODS; PROVIDING FOR CONFLICTS AND REPEAL, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. City Clerk read by title.

**City Manager read by title.**

**Comm Nielsen motioned to advance Ordinance 18-08 to second reading and adoption.**

**Comm Weinsier seconded the motion which passed unanimously 6:0.**

- b) ORDINANCE NO. 18-09- FIRST READING AND CONSIDERATION: AN ORDINANCE GRANTING REPUBLIC SERVICES OF FLORIDA, LIMITED PARTNERSHIP AN EXCLUSIVE SOLID WASTE AND RECYCLING COLLECTION SERVICE FRANCHISE; PRESCRIBING THE TERMS AND CONDITIONS ACCOMPANYING THE GRANT OF FRANCHISE; PROVIDING FOR SEVERABILITY OF CERTAIN PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

**City Manager read by title.**

**Comm Nielsen motioned to advance Ordinance 18-09 to second reading and adoption.**

**Discussion ensued on the increase for recyclable items and funding options.**

**Comm Partin seconded the motion which passed unanimously 6:0.**

- c) APPROVAL OF SCHOOL RESOURCE OFFICER AGREEMENT FOR FY 2018-2019

Mr. Francis said the contract is the same contract as the year prior with the exception that the SRO will be full time as required by the new law that passed regarding the Marjory Stoneman Douglas Safety Act. Chief Houston stated that the SRO will be a full-time position at the school and will not interfere with the rotation of the officers in the City. The City will be hiring an additional temporary seasonal employee that will be paid with monies received from the Orange County Public Schools.

**Comm Nielsen motioned to approve the SRO Agreement with Cornerstone Charter Academy for 2018-2019.**

**Comm Readey seconded the motion which passed unanimously.**

- d) DISCUSSION OF POLICY ON REIMBURSEMENT OF ATTORNEY FEES FOR INDIVIDUAL COUNCIL MEMBERS

City Manager Francis gave a brief overview of the State Attorney's investigation. Since the conclusion of the investigation, the City has received two requests for reimbursement of Attorney's fees from Comm Gold and Comm Readey. City Manager presented the invoices to Council for discussion and approval.

Comm Gold explained that other States mandate municipalities cover the cost of legal fees.

Attorney Ardaman said there are two provisions in Florida that speak to reimbursement of attorney fees. The Statute authorizes the City Council to reimburse fees. However, there is case law, with certain conditions (two-prong test), that requires reimbursement when it arises in connection with their performance of specific duties and serves public service.

Comm Carugno asked if the Florida League of Cities will cover the City Council's costs for errors and omissions. Attorney Ardaman said attendance in the Florida League of Cities Ethics Training does not cover or provide protection, indemnification coverage. However, the City may have an insurance policy that may cover the costs.

Mr. Francis said he submitted a claim with the Florida League of Cities, on behalf of Council, and was declined due to the type of request through the errors and omissions clause.

Comm Readey said the City Attorney at that time said that Council should obtain legal counsel in the matter with the State Attorney's Office. He further said the City will reimburse reasonable expenses if they are found innocent.

**Comm Weinsier motioned to adopt a policy that tracks directly with the language in the case law read by the City Attorney. Comm Gold seconded the motion.**

**Comm Carugno disagrees with the reimbursement, however, is in agreement with developing a policy moving forward. Upon discussion, the motion passed to develop a policy unanimously 6:0.**

Attorney Ardaman said the policy that will be reviewed will not be any different from the law that was then and now. The policy will formally recognize the law on a local level for the City Council. The two-prong test will be a City Council determination with a recommendation from the staff, City Manager, and City Attorney.

Comm Readey motioned to reimburse the attorney fees as submitted.

Discussion ensued on the open invoices and the required paperwork. Mr. Francis said, for the record, the City has not received an itemized billed with any of the invoices submitted.

City Council consensus was to have an itemized bill submitted to the City for review and further discussion.

#### **ATTORNEY REPORT**

Attorney Ardaman reported that the City has received a Dispute Resolution by the Lance's in regards to the variance that was denied recently. The City will be required to act quickly on the request and bring forward a recommendation to the City Council for approval. He will keep City Council updated as the process moves forward.

#### **CITY MANAGER'S REPORT**

City Manager Francis reported the following update,

- Submitted for quotes for street paving and curbing around the City Hall area which will include Nela, Gondola, Perkins, Idaho, Swann, Lake Drive and Overlook.
- The Traffic Study Community meeting held on June 21<sup>st</sup> was attended by only 20 residents. There is a survey online and at the front desk for citizen comment.
- Meeting with the contractor next week to discuss the traffic plan before construction of the fountain.
- Perkins Ramp project has been completed.
- The Bird Sanctuary project is closed.
- Annexation meeting schedule for the second meeting in August.
- The curb inlets were installed at the Lake Conway Shores lake lot.
- The City is waiting for FEMA reimbursement with Gene Polk Park. The City has challenged their decision for reimbursement.
- DEP has submitted the appraisal for Cross Lake at \$19,000.00. The City has scheduled a Phase 1 Environmental Report. On August 14, 2018, the NAV Board will then be required to give a recommendation to the Board of County Commission as to why this purchase should be allowed. He will be on vacation and asked for Council representation to speak on the purchase of Cross Lake.
  - Mayor Pisano said she will be in attendance. Mr. Francis said he will brief the Mayor with the key items on the project.
- Mr. Francis reported that the Bank of America building is up for sale and asked if Council will be interested in purchasing the property. The purchase of the property will be conducive to expanding the City limits. Comm Nielsen said it seems to be a good strategic move to continue to gather information. Mayor Pisano said it would be beneficial to obtain a traffic study before moving forward. Comm Weinsier said he would like the City to show some financial benefit for the purchase of the property.

**Comm Nielsen moved to ask the City Manager to continue the research for the purchase of the property and possible grants that can be obtained to cover the cost.**

**After discussion, Comm Carugno seconded the motion which passed 5:1 with Comm Readey, nay.**

- Mr. Francis asked for consideration to change the time of the Budget Workshop to July 24<sup>th</sup> at 5:30 pm. Council consensus was to approve the time change.
- Mr. Francis gave an update of the City's request at the Cornerstone Charter School (CCA) meeting.
  - He reported that he received a report from the consultant requesting, (1) purchase of the property by the school and/or, (2) the City will continue to fund the buildings incurring significant debt because of the much-needed expansion. He added that there are some revisions to be made that will be reviewed before providing a copy to the Council for review
  - City Council sent a letter to the school Board appointing Alexa Dowlen and Karl Shuck to the two Board seats held by the City. Mr. Shuck was appointed; however, Alexa Dowlen was not because she is the current President of the PTSA. They asked that she keep the application current because she may be eligible after her PTSA term is up in a year.
  - After the last By-Laws change, the school went from eight to nine members in April 2017. The City requested that the additional Board seat be a voting seat for the City. When the current Mayor of Belle Isle gives up her seat that position will become a non-voting ex-officio member of the Board. The City will hold three seats on the Charter School Board, one ex-officio and two voting members.
  - The City discussed if Larry Ady will be appointed in his place. Chairman Brooks said that Mr. Ady said he believes he will be resigning from the Board.
  - The City also asked for a time limit change to the By-Law to include, if a CCA Board member misses two or more meetings a year they may forfeit their seats. The School Board denied the request because they felt the City should not be telling the School Board on how to do their business.
  - Mr. Francis gave a brief overview of their candidate process and said the School Board will solicit up to five candidates for the open seat and make the recommendation to the City Council for Approval.
  - City Council requested the formation of a City/CCA sub-committee of four members; Belle Isle will have one elected and a one-appointed member and CCA will have one-Board member and one-administrative official. The School Board believes there was no need to form a subcommittee and was happy with the relationship between the City Manager and the Board. The request was denied.
  - The City asked for a joint public meeting to discuss issues that have been in the public realm. CCA said the joint meeting will only take place when the City is ready to turn over the property to the school.
  - The last request was to have the financial consultant to make a presentation to the City Council. It was agreed once the report is final he will schedule a meeting with the City Manager.

Comm Nielsen thanked Mr. Francis for his attempts to forge the relationship with CCA. She provided a copy of the first page of CCA's Charter which states that the City has established the City of Belle Isle's Charter School, Inc. She would like to **research a pro-active role and change the frame of the discussion**

**Comm Nielsen moved to authorize the City Manager and the City Attorney to discuss with Orange County Public Schools what can be done to have the Cornerstone Charter School Academy operate properly.**

**Comm Readey seconded the motion which passed unanimously 6:0.**

Attorney Ardaman said the City and CCA entered in two contracts with Orange County Public Schools. The question asked by Comm Nielsen is if the school is still a municipal charter school. It is a difficult process because the laws and the facts are not clearly defined.

#### **CHIEF'S REPORT**

Chief Houston reported on the recent arrest on Hoffner Avenue and gave a traffic update.

Chief Houston asked that residents be safe this Fourth of July. Fireworks are illegal in the State of Florida other than sparklers.

#### **MAYOR'S REPORT – no report.**

#### **COUNCIL REPORTS**

- **Comm Readey apologized for his outburst at the last meeting.**

#### **ADJOURNMENT**

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 8:08 p.m.

Yolanda Quiceno, CMC, City Clerk