



# city council minutes

**MINUTES**  
**December 5, 2017 \* 6:30 p.m.**  
**City Council Regular Session**

The Belle Isle City Council met in a Regular Session on December 5, 2017 at 6:30 p.m. in the Belle Isle City Hall Council Chambers.

Present was:

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

Absent was:

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

### CALL TO ORDER

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

### LIFE SAVING AWARD

Chief Houston presented Officer Herrada and Officer Cornwell with a Life Saving Award.

Mayor Pisano recognized Chief Houston, Officer Cornwell and Officer Gargano for their contribution during the Pulse incident on behalf of the FBI.

### CONSENT ITEMS

- a. Approval of the City Council regular session minutes for November 21, 2017

**Comm Lance motioned to approve the consent agenda as presented.**

**Comm Nielsen seconded the motion, which passed unanimously.**

### CITIZEN COMMENTS

Mayor Pisano opened for citizen comments.

- Glenn Harris residing at 2100 Nela Avenue spoke of his concerns with the code as it relates to parking of big trucks, the seeping crime into our City and creating a network for elderly support within the police department and City Hall. Chief Houston responded to his concerns and briefly spoke of an incident that occurred at 2100 Nela Avenue and stated that the suspect was caught and processed.

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

## UNFINISHED BUSINESS

### **ORDINANCE NO. 17-16 - Second Reading and Adoption**

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE CITY CODE TO PROHIBIT MEDICAL MARIJUANA DISPENSING FACILITIES WITHIN THE BOUNDARIES OF THE CITY OF BELLE ISLE AS AUTHORIZED BY SECTION 381.986, FLORIDA STATUTES; CREATING CHAPTER 15, ARTICLE III REGARDING DISPENSING FACILITIES; PROVIDING FOR INTERPRETATION AND DEFINITIONS; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR CODIFICATION; PROVIDING FOR A MORATORIUM CONTINGENCY; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

City Clerk read Ordinance 17-16 by title.

Mayor Pisano opened for public comment; there being none she closed public comment and opened for Council discussion.

City Manager Francis said the City is banning dispensaries at this time to allow Council to regulate differently at a later time. **After discussion, Comm Nielsen moved to adopt Ordinance 17-16.**

**Comm Dowlen seconded the motion which passed unanimously upon roll call 7:0.**

**Comm Nielsen** aye  
**Comm Lance** aye  
**Comm Weinsier** aye  
**Comm Readey** aye  
**Comm Dowlen** aye  
**Comm Carugno** aye  
**Comm Gold** aye

### **ORDINANCE 17-17 - Second Reading and Adoption**

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, PROPOSING AMENDMENTS TO THE CHARTER OF THE CITY OF BELLE ISLE SECTIONS 3.01, 3.02, 3.04, 3.06, 3.07, 3.08, 3.10, 3.19, 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.09, 4.11, and 4.13 WITH RESPECT TO MATTERS INCLUDING BUT NOT LIMITED TO NON-VOTING STATUS OF MAYOR, CITY COUNCIL CANDIDATE QUALIFICATIONS AND REQUIREMENTS INCLUDING BUT NOT LIMITED TO RESIDENCY REQUIREMENTS AND CONFLICTING OFFICES, GROUNDS FOR FORFEITURE OF OFFICE, VACANCIES AND PROCEDURES FOR FILLING SUCH, CITY COUNCIL MEETING PROCEDURES, AGENDAS AND PROCEDURES RELATED THERETO, DUTIES AND POWERS OF MAYOR AND VICE-MAYOR, MAYOR'S QUALIFICATIONS, DUTIES AND POWERS OF CITY MANAGER, DUTIES AND POWERS OF CITY CLERK, RESTRICTIONS ON CITY COUNCIL MEMBERS AND THE MAYOR, PROHIBITION ON DICTATING EMPLOYMENT OR DIRECTING CITY STAFF, VETO POWER OF MAYOR, AND OTHER MATTERS RELATED TO THE FOREGOING; PROVIDING FOR A REFERENDUM VOTE BY THE ELECTORS OF THE CITY OF BELLE ISLE ON THE QUESTION OF APPROVAL OF THE PROPOSED CHARTER AMENDMENTS AT THE ELECTION TO BE HELD ON MARCH 13, 2018; PROVIDING FORM OF BALLOT; PROVIDING FOR FILING REVISED CHARTER WITH THE FLORIDA DEPARTMENT OF STATE, AND OTHER DIRECTIONS TO CITY STAFF; PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE AND CHARTER AMENDMENTS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS.

City Clerk read Ordinance 17-17 by title.

Mayor Pisano opened for public comment.

- Andrew Thompson residing at 4058 Isle Vista Blvd spoke on Exhibit E – filing of vacancies. He asked that Council review the 30-day time period and provided three options for consideration. He further noted that discretion may be an issue and that it will be prudent to state that all candidates will be interviewed before appointment.

There being no further comment, Mayor Pisano closed public comment and opened for Council discussion.

City Manager Francis asked for consideration and clarification to the following charter changes,

Exhibit B Sec 3.02 reads, "... in a bona-fide residence in the city and the city district at least one (1) year..."

Should read, "... in a bona-fide residence in the city and the city district that they will represent at least one (1) year..."

Exhibit C Sec 3.06(B) reads, "However, a candidate may continue to serve on an appointed federal, states, district, county, or municipal board, commission, or advisory entity, but shall resign from same prior to the beginning of the term in Sec 3.05, above, or they forfeit the commissioner or mayoral office."

Should read, "However, a candidate may continue to serve on an appointed federal, states, district, county, or municipal board, commission, or advisory entity, ~~but shall resign from same prior to the beginning of the term in Sec 3.05, above, or they forfeit the commissioner or mayoral office.~~

Exhibit D Sec B(2) reads, "Violates any standard of conduct or code of ethics established by law or {this Charter or commits} or is charged with a misdemeanor of the second degree or a felony of any degree."

Should read, "Violates any standard of conduct or code of ethics established by law or {this Charter or commits} or is charged with convicted of a misdemeanor of the second degree or a felony of any degree."

Exhibit H Sec 3.10(A) reads, "...until ~~one year~~ two years after the expiration of the term for which he ~~was/she were~~ elected."

Should read, "...until ~~one year~~ two years after the expiration of the term for which he ~~was/she were~~ was elected."

Exhibit H Sec 3.10 (B) reads, "Except to the extent provided otherwise in this charter, neither the council nor any commissioners shall..."

Should read, "Except to the extent provided otherwise in this charter, neither the Mayor council nor any commissioners shall..."

Exhibit H Sec 3.10 (C) reads, "No commissioner or its members shall ~~mayor may~~ direct, order, demand, or deal with any city officers and employees who are subject to the direction and supervision of the city manager ~~solely through.~~"

Should read, "No commissioner or its members shall ~~mayor may~~ shall direct, order, command demand, or deal with any city officers and employees who are subject to the direction and supervision of the city manager, or substantially interfere with any city employee job duties solely through."

Exhibit I Sec 3.19 title reads, "Past references to City council members ~~designated commissioners.~~"

Should read, "Past references to City council members designated commissioners."

Exhibit J Sec 4.01 reads, "...The mayor shall be elected for a term of three (#) 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.~~"

Should read, "...The mayor shall be elected for a term of three (#) 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 a majority of commissioners by and resolution the council."

Exhibit K Sec 4.04 title reads, "Vice-mayor: Duties, term and appointment of council member (commissioner)."

Should read, "Vice-mayor: Duties, term and appointment of new commissioner council member ~~(commissioner)~~".

Exhibit K Sec 4.04(A) reads, "...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."

Should read, "...council shall perform the duties of the office of mayor and shall ~~during such time shall not serve in the capacity of a~~ retains his or her duties as commissioner."

Exhibit K Sec 4.04(C) reads, "Upon assuming the duties of the office of mayor in (B), above, ...".

Should read, "Upon the vice-mayor assuming the duties of the office of mayor in (B), above, ...".

Exhibit N Sec 4.11 reads, "... prepare minutes of meetings, maintain city records, be the city point person for city records, comply with all requirements ...".

Should read, "... prepare minutes of meetings, maintain city records, be the custodian of records ~~city point person for city records~~, comply with all requirements ...".

Comm Weinsier opened discussion on the recommendations proposed by Andrew Thompson.

After discussion, Council agreed to add the following change as follows,

ADD - Exhibit E Sec 3.07(C)4 to read, " If the 30-day time period of filing the vacant office expires before the office is filled – whether by failure of a candidate to properly qualify for the vacant office or by failure of the city council to approve a candidate the time period for filling a vacant council position shall be 30 days, and, if necessary, shall be extended an additional 30 days more as necessary to fill the office."

**After further discussion, Comm Nielsen moved to approve Ordinance 17-17 as amended by the City Manager and recommended by City Council. Comm Gold seconded the motion which passed upon roll call 7:0.**

**Comm Nielsen    aye**  
**Comm Lance     aye**  
**Comm Weinsier  aye**  
**Comm Readey    aye**  
**Comm Dowlen    aye**  
**Comm Carugno  aye**  
**Comm Gold       aye**

Comm Nielsen asked that Attorney Ardaman make sure the ballot questions accurately reflect the changes as discussed.

**ORDINANCE 17-18 – Second Reading and Adoption**

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, CREATING A CITY TREE BOARD PROVIDING FOR ORGANIZATION OF THE TREE BOARD; PROVIDING FOR BOARD MEETINGS AND PROCEDURE; PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THE BOARD; SEVERABILITY; CONFLICTS AND EFFECTIVE DATE.

City Clerk read Ordinance 17-18 by title.

Mayor Pisano opened for public comment.

- Debra Donham residing at 6904 Seminole Drive asked for clarification on the appointment of the Tree Board and their term limits.

There being no further comment, Mayor Pisano closed public comment and opened for Council discussion.

Comm Lance stated that Tree Board member Ruthie Harrell has informed him that she may not be able to continue on the board. Comm Lance asked that the City Manager contact Mrs. Harrell.

After discussion, Comm Nielsen moved to adopt Ordinance 17-18 to create the Tree Board.  
Comm Weinsier seconded the motion which passed upon roll call 7:0.

Comm Nielsen aye  
Comm Lance aye  
Comm Weinsier aye  
Comm Readey aye  
Comm Dowlen aye  
Comm Carugno aye  
Comm Gold aye

#### **NEW BUSINESS**

##### Cancellation of the December 19, 2017 City Council meeting

Mayor Pisano opened for discussion to cancel the December 19th City Council meeting,  
Comm Readey made a motion to cancel the December 19th City Council meeting.  
Comm Gold seconded the motion which passed unanimously.

Comm Carugno opened discussion to also postpone or cancel the January 2nd 2018 meeting.  
Council consensus was to have the January 2<sup>nd</sup> meeting as posted.

#### **ATTORNEY REPORT**

Attorney Ardaman gave a brief update on the Constitution Revision Commission and said they have not considered the Home Rule amendment. Secondly, he noted that Council should look forward to receiving an open space ordinance for review in January.

#### **CITY MANAGER REPORT**

City Manager Francis gave an update on the FEMA reporting. He reminded all that the NAV Board meeting will be held on Tuesday night.

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

Chief Houston reported that they are interviewing candidates for the CSO position.

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

Mayor Pisano reported on the following,

- Christmas Caroling around the City will be held on December 20<sup>th</sup> .
- Santa Night festivities will be on Dec 21<sup>st</sup>
- Santa will be at City Hall for pictures on December 9<sup>th</sup>

#### **COUNCIL REPORTS**

##### **Comm Gold – District 1**

Comm Gold reported on a letter received by Rick Wilson extending his appreciation to the Police Department.

##### **Comm Carugno – District 2**

- Comm Carugno asked the City Attorney for an update on our law enforcement on County streets. Attorney Ardaman said it is more of a political issue than a legal issue and if Council wishes to pursue he can schedule for a formal discussion. Discussion ensued on annexation options and workshop dates in January.
- Boat Parade dates is confirmed as follows: Friday-South lake, Saturday-Center lake and Sunday-North lake.

### **Comm Weinsier – District 3**

- Comm Weinsier asked if parking along the grass of Gondola was allowed and enforceable. Chief Houston said the easement on Gondola belongs to Orange County and not enforceable by the City.
- Comm Weinsier asked if he would have to recuse himself when his father is appointed to the Tree Board. Attorney Ardman said no, he does not have to recuse himself due to the fact that he is not receiving any compensation or loss for the appointment.

### **Comm Readey – District 5**

**Vice Mayor Readey made a motion to appoint Richard Weinsier to the Tree Board representing District 5.  
Comm Carugno seconded the motion which passed unanimously.**

### **Comm Lance – District 4**

- Comm Lance tendered his resignation and thanked Council and the public for their support.
- City Manager Francis asked if Council would like to fill the position in the same fashion used for the recently filled District 6 seat. Council consensus was to request letters of interests from candidates to be submitted no later than 2-weeks from the date of this Council meeting.

### **ADJOURNMENT**

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 7:55 p.m.

Yolanda Quiceno, CMC, City Clerk