



## city council minutes

**DRAFT MINUTES**  
**September 13, 2017 \* 6:00 p.m.**  
**Special Called Session**

The Belle Isle City Council met in a Special Called session on September 13, 2017 at 6:00 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 Bobby Lance  
Commissioner Lenny Mosse  
Commissioner Sue Nielsen

Absent was:

n/a

Also present was City Clerk Yolanda Quiceno.

### CALL TO ORDER

Mayor Pisano called the meeting to order at 6:00pm and the City Clerk confirmed quorum. Comm Carugno led the Pledge to the flag.

The following candidates were scheduled for interview,

- 6:00 PM – 6:30 PM          Shepard & Smith
- 6:45 PM – 7:15 PM          Fishback Dominick
- 7:30 PM – 8:00 PM          Gayle Owens Law

City Manager Francis welcomed everyone to the Special Session and for submitting a proposal for City Attorney services. He stated that all presentations will be 30-minutes with a 15-minute introduction by each firm followed by a 15-minute Q&A by the Council.

Drew Smith from Shepard & Smith with offices at 2300 Maitland Center Parkway, Orlando, FL 32751 gave a brief overview of the firm and services. Also present was Attorney Andrew Hand and Attorney Patrick Brackins.

The following questions were asked by Council,

1. *What do you perceive to be the city attorney's role in dealing with City Council?*
2. *What do you do when an individual elected official's actions may be in violation of the municipal code, local, state or federal law?*
3. *What role have you played, or what role would you have in creating a Community Redevelopment Agency?*
4. *Describe any experiences you may have had in developing and recommending policies and or laws to the council relating to growth (e.g. annexation, expansion of utilities, subdivision standards, eminent domain, etc.); and What experience have you had in land use planning and zoning requirements?*
5. *Tell us about a conflict you experienced in which either an elected official or appointed staff member disagreed with some legal advice you were providing. How did you navigate or negotiate the situation?*
6. *Given the following scenario: The City Council asks if they can take a specific action that would not be allowed by the Florida Statutes or state agency. How would you advise the Council when the Council was proposing this solution for a burning issue in the community?*
7. *How would you alleviate the concern of Council that we would be lost with the other clients and would not get a full measure of service?*
8. *How are you planning to be responsive and thorough with the needs of the community?*

9. *What do you believe are the most important issues facing Belle Isle?*
10. *You represent Edgewood, What is the scenario if Edgewood and the City of Belle Isle are both looking for annexation in the same area?*

*City Manager Francis asked for Council and Mayor Q&A.*

11. *Lance – Has the firm attended any Council meetings within the last 6-months or has listened to the audio on the website?*
12. *Mosse – How did the firm advise the City of Apopka to ban medical marijuana dispensaries?*
13. *Mayor – What are the biggest challenge facing municipalities today?*
14. *Francis – Will the lead attorney also be available to attend the P&Z Meetings?*

*Recessed for 10 minutes.*

Dan Langley from Fishback Dominick with offices at 1947 Lee Road, Orlando, FL 32789 gave a brief overview of the firm and services. Also present was Attorney Kurt Ardaman, Attorney John Bennett and Attorney Rick Geller.

The following questions were asked by Council,

1. *What do you perceive to be the city attorney's role in dealing with City Council?*
2. *What do you do when an individual elected official's actions may be in violation of the municipal code, local, state or federal law?*
3. *What role have you played, or what role would you have in creating a Community Redevelopment Agency, long-term financing and bonds?*
4. *Describe any experiences you may have had in developing and recommending policies and or laws to the council relating to growth (e.g. annexation, expansion of utilities, subdivision standards, eminent domain, etc.); and What experience have you had in land use planning and zoning requirements?*
5. *Given the following scenario: The City Council asks if they can take a specific action that would not be allowed by the Florida Statutes or state agency. How would you advise the Council when the Council was proposing this solution for a burning issue in the community?*
6. *How would you alleviate the concern of Council that we would be lost in the multitude of clients that you have?*

*City Manager Francis asked for Council and Mayor Q&A.*

7. *Mayor – Will the firm provide proactive positions on Tallahassee legislation?*
8. *Nielsen – How important is it to you to put your opinions in writing?*
9. *Mosse – Comm Mosse spoke of contentious issues with other City governments. How did you advise those cities during their biggest problems?*
10. *Lance – Has the firm attended any Council meetings within the last 6-months or has listened to the audio on the website?*
11. *Weinsier – Would the firm make available the same attorney at Council meetings.*
12. *Francis – Will the same attorney also be available to attend the P&Z Meetings?*

*Recessed for 10 minutes.*

Gayle Owens from Gayle Owens Law with offices at 1802 Alafaya Trail, Orlando, FL 32826 gave a brief overview of the firm and services.

The following questions were asked by Council,

1. *What do you perceive to be the city attorney's role in dealing with City Council?*
2. *What do you do when an individual elected official's actions may be in violation of the municipal code, local, state or federal law?*
3. *What role have you played, or what role would you have in creating a Community Redevelopment Agency and any experience in bonds and long-term financing?*

4. Describe any experiences you may have had in developing and recommending policies and or laws to the council relating to growth (e.g. annexation, expansion of utilities, subdivision standards, etc.); and What experience have you had in land use planning and zoning requirements?
5. How are you planning to be responsive and thorough with the needs of the community?
6. How would you alleviate the concern of Council that, as single law firm, that you would be able to provide the adequate services to them?

City Manager Francis asked for Council and Mayor Q&A.

7. Readey – How do you feel about Home Rule?
8. Mayor – You have been recently appointed as the Attorney to the Cornerstone Charter Governing Board, would there be a conflict of interest if you were selected?
9. Nielsen – Do you foresee an issue with your role as the City Council Attorney and the P&Z Board.
10. Lance – have you attended any Council meetings within the last 6-months or have listened to the audio on the website?
11. Council agreed to open public comment;
  - a. Richard Weinsier residing at 6824 Seminole Drive asked if Ms. Owens happens to be sick or on vacation who will attend the meeting

### **Council Discussion and Vote**

Mayor opened for Council Discussion.

Council discussed each applicant’s qualifications and services and was in agreement that all three applicants are excellent choices.

Comm Lance said he would like to see Attorney Kruppenbacher also be included in the selection. Comm Gold said it would have to be a Council decision to include him in the selection. Comm Nielsen said she understood that Attorney Kruppenbacher offered to stay for another year. He has done a good job for the City; however, she feels that he is over –committed.

City Manager Francis reported that he received a phone call from Attorney Tom Lang who was not aware of the RFP and offered his services if the applicants did not pan out.

**After further discussion, Comm Weinsier made a motion to retain Fishback Dominick as the City Attorney commencing October 1, 2017.**

**Comm Lance seconded the motion**

Mayor Pisano opened for public comment.

- Richard Weinsier said Fishback Dominick was much more personable and a team.
- Holly Bobrowski asked the City Manager if he can share his point of view on the three applicants.
- Anita Saaco was interested to know why Fishback Dominick was no longer the City Attorney.
- Cindy Lance said she was impressed with the demeanor of the Fishback Attorney’s presentation.

There being no further comment, Mayor Pisano closed public comment for Board discussion.

**Mayor Pisano called for the motion, unanimously approved 7:0.**

### **Other Business**

#### **Emergency Burn Ban Ordinance**

Mayor Pisano spoke of certain issues relating to residents burning debris on their properties and called for an Emergency Burn Ban in the City for public safety. City Manager Francis stated that Council will need to post an Emergency meeting to enforce the burning ban. Council discussed regular burning circumstances and open burn violations.

City Manager Francis said Council can pass a motion to approve the Emergency Burn Ban but will be rescinded or overwritten by an Orange County Burn Ban once it is in effect.

**Comm Nielsen made a motion to pass an Emergency Burn Ban in the City effective immediately.  
Vice Mayor Readey seconded the motion which was unanimously approved 7:0.**

#### **Emergency No Wake Ordinance**

Mayor Pisano reported that there are issues with motorized vehicles on the lake riding up to shore. At the current time there is debris in the water and submerged broken boat docks. There is massive concern that the boaters/wake boarders are coming too close to shore creating erosion and shore damage. She is requesting Council to pass an Emergency No Wake Zone.

**Comm Lance motioned to pass an Emergency No Wake Zone.  
Comm Readey seconded the motion for discussion.**

Council discussed the safety dangers, enforcement and duration of the emergency ordinance. Comm Carugno asked if the City can request that the Home Owners Association also post on their docks until further noticed.

**After discussion, Comm Lance withdrew his motion because he doesn't believe the City can enforce a no wake zone ordinance on the Lake.  
Comm Readey rescinded his second.**

Comm Nielsen asked if there was a way to notify everyone on the Lake about the dangers and place buoys as a deterrent.

**Comm Carugno disagreed with the use of buoys and made a motion to place an Idle Zone period on Lake Conway due to an emergency, personal property, water quality and public safety.  
Comm Mosse seconded the motion for discussion.**

Mayor Pisano said this is a massive issue and the City must do something before there is a serious accident. She said she spoke with Mayor Jacobs and explained to her the current issues we are experiencing on the Lake and asked for closure of the Randolph and Fern Creek ramps.

Comm Lance said he would like to have an open discussion with Orange County Marine Patrol and FWC Wildlife before a motion is passed.

Comm Nielsen said this is a very important safety issue and could save a life.

Mayor Pisano opened for public comment.

- Anita Saaco said her Home Owners Association (HOA) would comply if they received a request from the City to close their boat ramps until such time as health, safety and environmental concerns are lifted.
- Holly Bobrowski said many of the homes on the Lake do not have an HOA. This is a stop so know gets hurt and until the water level goes down.

Comm Carugno stated that he is not against anyone using the Lake; as long as everyone knows that there is a No Wake Zone/Idle speed only ordinance until further advised.

**After further discussion, Comm Nielsen called for the question.  
Comm Carugno's motion to place an Idle Zone/No Wake period was unanimously approved 7:0.**

#### **Adjournment**

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 9:00 p.m.

Yolanda Quiceno  
CMC, City Clerk