



city council minutes

MINUTES
February 19, 2019
Regular Session 6:30 pm

The Belle Isle City Council met in a regular session on February 19, 2019, 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, Chief Houston and City Clerk Yolanda Quiceno.

Mayor Pisano welcomed Hailey Bass from Cornerstone Charter Academy who is Mayor of the Day.

CALL TO ORDER

Mayor Pisano called the City Council Regular 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 ITEMS

- a. Approval of the City Council meeting minutes – January 15, 2019
- b. RESOLUTION 19-02 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019, PROVIDING AN EFFECTIVE DATE.
- c. RESOLUTION 19-03 - A Resolution declaring surplus certain personal property and directing the City Manager to dispose of the property for value through an open public process.

Mayor Pisano called for a motion to approve the consent item.

Comm Nielsen motioned to pull item a from the consent agenda for additional review.

Comm Gold seconded the motion which was unanimously approved.

Comm Weinsier motioned to approve Resolution 19-02 and Resolution 19-03 as presented.

Comm Sims seconded the motion which was passed unanimously.

Comm Nielsen motioned to have the minutes for January 15, 2019, on the next City Council meeting for approval.

Comm Gold seconded the motion which was unanimously approved.

Chief Houston presented and recognized Corporal Ferrioula as the Officer of the Year for 2018.

Mayor Pisano recognized Officer Gargano and presented him with a Certificate of Appreciation for his exceptional investigative skills in solving the residential burglary at the residence of a senior woman in the City of Belle Isle and bringing the suspect to justice.

Mayor Pisano and Mayor for the Day Hailey Bass read and presented Detective Jeremy Millis and Officer Burns a Proclamation declaring February 19th, 2019 as Jeremy Millis and Chris Burns Appreciation Day.

CITIZEN COMMENT

Mayor Pisano opened for public comment.

- Richard Weinsier residing at 6824 Seminole Drive asked the Council how does the City decide what information is sent out in an alert and on Facebook. City Manager Bob Francis said he would speak with Mr. Weinsier after the meeting.

There being no further citizen comments Mayor Pisano closed and public comments.

Mayor Pisano stated that she would rearrange the agenda items and open 7 (d) Approval of Settlement Agreement with Juan Carlos Gil for discussion and approval.

City Manager Francis stated that in November 2018, the City was notified it was being sued by Juan Carlos Gil. The complaint was that Mr. Gil, who is determined to be legally blind, could not successfully navigate our website or review any records because our system could not translate written text into voice. The City contacted the insurance carrier and negotiated a settlement agreement with Mr. Gil's attorney for \$8,000. Since that time, the City has contacted other municipalities and companies that specialize in ADA compliance and is looking to review their bids.

After some research, we have found that Juan Carlos Gil has filed about 219 lawsuits in federal court. Of those, 32 have been against municipalities; 17 against counties and a couple against constitutional officers. There is another plaintiff (Joel Price) that has sued multiple municipalities with the same lawyer.

Attorney Eric Netcher from Dean Ringers Morgan & Lawton 201 East Pine Street Orlando FL representing the City said the settlement agreement is in line with other municipalities. Early settlement, typically, is the best resolution and then to move on and get the website accessible. Mr. Gil sued the City under the Americans with Disabilities Act passed in 1991.

Comm Readey asked how Mr. Gil's complaint can be viable if he is not a Belle Isle resident. Attorney Netcher responded; Unfortunately, the Statute had noble goals but can be taken advantage of at times. . Part of the Settlement is to have a reader and ADA accessible services available moving forward.

Comm Weinsier stated that the agreement grandfathers in the older documents for this agreement; however, it still leaves the City open to being sued again for the same issue by others.

Attorney Ardaman said unfortunately similar kinds of lawsuits were prosecuted concerning the Public Records Law. The City's insurer is recommending approval of the settlement, and he suggested that the City follow their advice and run the risk of additional legal fees.

After discussion, Comm Nielsen motioned to approve the Settlement Agreement with Juan Carlos Gil and have the Mayor sign the Agreement.

Comm Gold seconded the motion for discussion.

After discussion, Mayor Pisano called for a roll call,

Comm Nielsen, aye	Comm Partin, nay
Comm Sims, aye	Comm Gold, nay
Comm Readey, aye	Comm Carugno, nay
Comm Weinsier, aye	

The motion passed 4:3 with Comm Partin-nay, Comm Gold-nay, and Comm Carugno-nay.

UNFINISHED BUSINESS

ORDINANCE 19-02 FIRST READING AND CONSIDERATION - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, CREATING A NEW SECTION 1-14 IN CHAPTER 1, OF THE CITY CODE RELATING TO MINIMUM ORDINANCE ADOPTION PROCEDURE AND PROVIDING FOR PUBLIC COMMENT ON PROPOSED ORDINANCES DURING BOTH THE FIRST AND SECOND READING OF A PROPOSED ORDINANCE; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

City Clerk read by title

City Manager Francis said in an effort to give ample time to the public to review and comment on a proposed ordinance this revision will allow for public comment at both the first and second readings.

Comm Nielsen moved to forward ordinance 19-02 to second reading and adoption.

Comm Gold seconded the motion which passed unanimously upon roll call.

NEW BUSINESS

An appeal of Citation #P0001180 by Ali Mohammed Mattar

City Manager Francis said Mr. Ali Mohammad Mattar residing at 5242 Chiswick Circle who is appealing the parking citation he received for parking on the street without a license tag on his vehicle. After speaking with Officer Rabeau, Mr. Mattar was given a warning before being issued a ticket.

Mr. Mattar said the car was parked in front of his house and he did not realize that he had lost the tag. He stated that he did not know it was illegal to have the car parked on the street with no tag. The tag was found in the subdivision and returned to him.

Council discussed HOA parking rules and 2018 Florida Statute 316.605 Licensing of Vehicles that states "Every vehicle, at all times while driven, stopped, or parked upon any highways, roads, or streets of this state, shall be licensed in the name of the owner and shall display the license plate securely fastened to the vehicle...". Also, a warning was issued to Mr. Mattar on Dec 6th.

After discussion, Comm Readey motioned to reduce the current fine to \$75.00.

Comm Nielsen seconded the motion which passed unanimously

Approval of Lot Split Request made by Lawrence Elferdink 6320 Gibson Drive

City Manager Francis was Lawrence Elferdink is requesting a lot split of his property located at 6320 Gibson Drive. As a matter of clarification, this request does not have to go to the Planning & Zoning Board because the split results in two standard lots that meet the land development criteria.

Comm Sims motioned to approve the lot split for 6320 Gibson Drive

Comm Nielsen seconded the motion which passed unanimously

Approval of Bing Grant Application for Lake Conway Shores HOA

City Manager Francis said last year, Lake Conway Shores (LCS) HOA applied for a Bing Grant for \$8,750 to replace the pavilion at the lake lot destroyed by Hurricane Irma. Due to the large stormwater project that took place at LCS, the pavilion could not be built. Due to no fault of their own, they were not able to start their project and had to forfeit the funds. They are asking for \$8,000 to start the project. District 1 Comm Gold allocated \$7,000 in Bing Funds to this project, and Comm Nielsen and Comm Carugno agreed to contribute \$500 of their Bing Funds for the project.

Comm Gold motioned to approve the Lake Conway Shore Bing Grant application for the pavilion project for \$8,000 as discussed.

Comm Readey seconded the motion which passed unanimously.

ATTORNEY REPORT – no report

CITY MANAGER'S REPORT

Issues Log update

City Manager Francis provided the following updates,

- Gene Polk Park - Mr. Francis reported that he met with the FEMA representative and the need for the City's request to increase the project amount from \$21,000 to \$282,000. The inspectors thought the project was just a water feature and did not realize it was a major drainage system for the 12 block area. The City will know in 60 days the results of their reconsideration.
- Paving Around City Hall and Nela Avenue – The contractor is preparing a new estimate because the City is reducing the area in the event we need to install new curbs.

- Wind Drift Project – The plans are being finalized and will go out to bid within the next 30 days.
- Traffic Issues – The traffic consultant is finalizing the Transportation Plan. Mr. Francis said he met with the business owners on Conway and Hoffner regarding the changes for traffic safety. Although the business owners are not pleased with the proposal, they understand the problem.
- Fountain at Nela/Overlook – The transformer box in the area is at capacity and will need to be replaced by Duke Energy. Once that is completed the fountain will be ready to go.
- Wallace/Matchett – Waiting on renderings from the school to bring before Council.
- No Parking Signs – He is looking to install parking signs and poles on the dirt side of Matchett. He has a concern on the parking on the right side due to the stormwater pipes. He is looking at the possibility of putting parking inside of the fence at Wallace Field.
- Acquisition of Property – He spoke with Comm Uribe's office regarding Cross Lake, and he believes it is going to move forward. Also, he reported that he had been contacted by the Oak Island HOA about a piece of property off of Kissam Court. He also believes the bid process will be released for the BOA building fairly soon.
- Charter School – He has received a draft agenda for the joint meeting. The consultant asked to meet separately on the purchase of the property or the possibility of purchasing the buildings. Mr. Francis has informed the consultant that the City is not interested in selling the property.
- Strategic Planning – Looking to schedule a session in May.
- Storm Water Discharge – This issue is now closed because we do not have any further turbidity issues.
- Municipal and Comp Plan Updates – Ongoing. Looking to have community meetings in March to discuss Annexation with the residents along Matchett, Nela, and Waltham.
- Parking – Ordinance is being drafted and looking to present sometime in March.

Chief's Report

- Chief Houston reported that there is an increase in car break-ins due to unlocked car doors. She urges residents to lock their car doors and to make Belle Isle a hardened target. If we make it easy for criminals, that will be our reputation and more crime will follow.
- Chief Houston said the school still has some deficiencies but are working very hard with staff to correct.
- Active Assailant Drill at CCA went very well with Administration, staff, and students.
- Duck Dash – March 2, 2019. Roads will be closed from 9-11am.
- Chief Houston reported an increase in animal (dog) calls.

NAV Board update

- Mr. Francis provided a synopsis of the NAV Board meeting and spoke on the
 - Channel Markers
 - Debris Collection baskets in new catch basins on Jade Circle
 - Millage Increase of 20% from .1407 mil to .49284 mil
 -

MAYOR'S REPORT

Legislative update

Mayor Pisano reported that she met with Senator Stewart and discussed,

- Funding for Delia Beach.
- Historical Grants for the Green House
- Grants for installation of Septic Tanks
- Grants for Police Equipment
- Recycling may be going away
 - Mr. Francis reported that 60-70% of recycling loads are rejected in the landfills. Due to the circumstances, the business may go back to the basics. He has asked for a group of seven residents to participate in a Committee to meet in March to review an RFP for services

Mayor Pisano presented a special Proclamation proclaiming February 19th to Hailey Bass for Mayor for A Day.

COUNCIL REPORT

Comm Nielsen

- Comm Nielsen said Mr. Francis second anniversary is coming up in April and would like to know if any forms are available for the evaluation. After discussion, Mayor Pisano said she would forward an evaluation form after the meeting to Commissioners.
- Comm Nielsen shared her concerns with the flow of discussions and presentations during Council meetings. She asked that Council review the Rules for Council and pay close attention to making points at meetings. It is difficult for the City Clerk to follow discussions at times, and it would help if all of us would be more organized in our presentations.
- Comm Nielsen spoke on the short term rental ordinance. She asked if it would be possible to have the City Attorney request a legal opinion from the Attorney General's Office as to whether the ordinance would stand and the City will be able to retract if it is not right for Belle Isle. Council consensus was to move forward with the request.

Comm Partin – no report.

Comm Sims

- Comm Sims reported that he spoke with the General Manager at the H. Gregg store on Jetport. The business owner is willing to reconfigure his green parking lot lights so they will not conflict with the green traffic signals.

Comm Readey

- Comm Readey shared his disappointment with the lot split previously approved on Seminole.

Comm Weinsier – Happy Birthday Comm Nielsen.

Comm Carugno

- Comm Carugno gave a brief overview of the Airport Noise Abatement meeting. He reported that the east runway would be closed in March and the departures will start taking off in the North. This change may cause some additional noise on the west complex. All complaints should be addressed to Judith Jarrett at the Airport Noise Abatement Committee.
- He has received complaints on parking around the City, at Cross Lake and complaints about political signs.

Comm Gold

- Comm Gold said he would like to invite the residents to participate in the City Managers evaluation.
- Comm Gold spoke on different safety camera/video options for homeowners.

ADJOURNMENT

There being no further business Mayor Pisano called for a motion to adjourn. The motion was passed unanimously at 8:05 p.m.

Yolanda Quiceno, CMC, City Clerk