



city council minutes

MINUTES **February 20, 2018** **City Council Combined Session:** **Workshop 5:30pm** **Regular Session 6:30pm**

The Belle Isle City Council met in a combined session on February 20, 2018 at 6:30 p.m. at the Pine Castle United Methodist Church located at 731 Fairlane Avenue, Orlando, FL 32809.

Present was:

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

Absent was:

N/A

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

City Council Workshop

CALL TO ORDER

Mayor Pisano called the workshop to order at 5:30pm.

Attorney Ardaman provided Council with a Memorandum and Power Point handout regarding the Government in the Sunshine Law and its application to the Belle Isle City Council and persons elected to the City Council who have not yet taken office. He then proceeded with an overview of the basic requirements of Section 286.011 of the Florida Statutes, exparte communication, quasi judicial proceedings, competent substantial evidence and voting conflicts.

In addition Attorney Ardaman spoke on the mis-use of position, gifts and financial disclosure and the penalties for violating Sunshine Law. In conclusion, Attorney Ardaman spoke on public records retention, maintenance of documents on private and personnel property and the required yearly Ethics class for all members. He further stated and highly recommended that elected officials do not send one-way communication with any other member on Council.

Mayor Pisano opened for Council questions and answers. After a brief discussion, the Workshop was adjourned at 6:30pm. The Mayor called for a 5-minute recess before commencement of the City Council Regular Session.

City Council Regular Session

CALL TO ORDER

Mayor Pisano called the regular session to order at 6:45pm and the City Clerk confirmed quorum. Comm Weinsier gave the invocation and led the Pledge to the flag.

CONSENT ITEMS – No Items.

CITIZEN COMMENTS

Mayor Pisano opened for citizen comments.

- Gretchen Bradford residing at 2235 Hoffner Avenue waived her time to Bo Bradford. Mr. Bradford shared his concern and blatant disregard of the Sunshine Laws and acknowledgment admitted to the illegal underground meetings addressed in the State Attorney's Report.
- Wendy Ziegler residing at 2231 Hoffner Avenue shared her concerns with alleged Sunshine Law violations stated in the State Attorney's report. She is deeply concerned about the secret society that was created to sway the voters of the City.
- Megan Judd residing at 5867 Cove Drive shared her concerns with the findings in the State Attorneys Report. She stated that some of the Council Members and the Mayor grossly violated the parameters that a government needs to function properly.
- David Evertsen residing at 5131 St. Michael Avenue shared his concerns with the findings in the State Attorney's report. For the record, he stated that he is not the person that sent out the anonymous letter. He did state that the letter he sent to the Council and Mayor has been posted to his Facebook page. He said the findings in the report are very upsetting and asked if there is no public trust how can the City get it back.
- Patricia Reed residing at 1748 Colleen Drive shared her concerns with the State Attorneys report and is also appalled with the findings and someone should be held accountable. She believes however, that the Mayor was not part of the secret society and believes she had the best interest at heart.
- Gretchen Bradford residing at 2235 Hoffner Avenue stated that the previous speaker stated before the start of the meeting that she was going to speak last to defend Mayor Pisano. She asked if that would that not be a form of collusion.

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

UNFINISHED BUSINESS

- a. Approval of Forensic Audit Bid - Bob Francis said the City received two proposals from qualified firms. The City Council tabled the decision on which firm to hire until the City staff had the opportunity to review both proposals and determine what years the City Council may want to have audited. Mr. Francis recommended approval of the Clifton Larson Allen proposal for the years of 2009-2017.

Comm Weinsier motioned to approve the Clifton Larson Allen proposal for the years 2009-2017.

Comm Nielsen seconded, unanimously approved.

- b. Review of Open Space Zoning District Ordinance – Mr. Francis provided a draft Open Space Zoning Ordinance for review and first reading. He said the only zoning classification in the Belle Isle Municipal Code for public building is PUIB. As requested by Council, he amended the ordinance to include an open space classification which will provide for open space and be more stringent in protecting those areas that the City will want to preserve strictly for open space initiatives.

Comm Carugno motioned to approve Ordinance 18-01 as presented for first reading and consideration.

Comm Nielsen seconded the motion for first reading and discussion.

Attorney Ardaman read Ordinance 18-01 by Title for First Reading and Consideration as follows: An Ordinance of the City of Belle Isle, Florida, amending the City's Land Development Code to add a new section 54-84 creating an Open Space Land Use and Zoning Classification; Providing for the intent and purpose of the classification; Providing for definitions; Providing for permitted uses, special exceptions, prohibited uses, development standards, and general requirements; providing for severability, conflicts, codification and an effective date.

Comm Carugno asked if this ordinance will include all City parks. Mr. Francis said once the open space designation passes the City Staff will bring forward for approval re-designation of all the existing City parks to open space.

Comm Nielsen said this draft ordinance allows a building on open space property and asked if can be removed or amended because a building should not be allowed on an open space designated area. Mr. Francis said the purpose of this amendment is to allow a maintenance or utility shed to be used in conjunction with the property not necessarily a building or office space. Comm Nielsen asked that the height be amended to be no more than 20 feet.

After discussion, Comm Nielsen motioned to amend the 35 ft of the building height to be no more than 20 ft and approve Ordinance 18-01 for second reading and adoption.

Comm Sims seconded the amendment and approved Ordinance 18-01 for second reading and adoption.

The motion was approved unanimously upon roll call 7:0.

Comm Gold	aye
Comm Carugno	aye
Comm Weinsier	aye
Comm Sims	aye
Vice Mayor Readey	aye
Comm Dowlen	aye
Comm Nielsen	aye

- c. Appeal of Florida Wildlife Commission Decision on Bird Sanctuary – Mr. Francis reported that the City has received a letter from the Florida Wildlife Commission (FWC) denying the City's application for a bird sanctuary. There were certain parameters that needed to be met and the City Attorney appealed the decision per Council direction. Attorney Ardaman reported that the denial of the original request was passed by the Executive Director not the FWC Commission. In the rules that govern the Conservation Commission the Executive Director was delegated the authority to do so and the denial was effective. The City submitted a petition for a formal administrative hearing to challenge the denial. Attorney Ardaman stated that the process is a painful process and expensive and recommended that the City hire experts and schedule an executive session with Council to discussed litigation expenditures.

NEW BUSINESS

- a. Request For Proposal: City-Wide Traffic Study – Mr. Francis provided a Traffic Management Plan for a City-wide traffic study which is important as the City starts to plan the annexation process. The study will encompass the City and will estimate around \$75,000. Mr. Francis asked for approval of the Request for Proposal and advertisement.

Comm Nielsen motioned to approve the Request for Proposal and advertisement.

Comm Sims seconded the motion which was unanimously approved 7:0.

- b. Approval of Easter Egg Hunt – Mr. Francis provided an overview budget ~~report~~ report which shows the City's in-kind services for past events and the Easter Egg Hunt. The Council approved the date only of March 31st at the last meeting for the Easter Egg Hunt. Council was provided with an updated Easter Egg Hunt budget as required to start soliciting for the event. Mr. Francis stated that the total budget for the Easter Egg Hunt will be approximately \$1,515.00 but because of the in-kind services and sponsors there will not be any funds allocated out of the Special Events funds. Discussion ensued on set up and parking access.

Comm Dowlen motioned to approve the budget for the Easter Egg Hunt as presented.

Comm Carugno seconded the motion which was unanimously approved 7:0.

ATTORNEY'S REPORT

Attorney Ardaman gave a brief overview of the Constitution Revision Commission proposals up for review and approval.

CITY MANAGER'S REPORT

- a. Reports of Holiday Events - Mr. Francis provided an after action report on the previous event which have been reviewed by the Special Events Committee. The reports are a compilation of information from different events and recommendations to ensure a future successful and safe event.
- b. Candidate Forum Update - Mr. Francis Reported that the Candidate Forum for District 6 will be held on March 1st from 6-8pm at the Woman's Club. Marilyn Crotty has accepted to be moderator for the forum.
- c. Report on NAV Board Meeting – Mr. Francis provided a synopsis of the February 13th, 2018 Lake Conway navigation Board meeting. A couple of the interesting items that were discussed were the PD stipend, stormwater outfall at Lake Conway Estates and Street Sweeping Assessment. On a separate issue, Mr. Francis briefly spoke of the concerns around the steps going to the Lake at the Sunoco station on Daetwyler. Discussion ensued on the safety concerns on the Lake and asked that the City request the NAV Board for an increase in marine patrol.

Comm Carugno asked if the City is still considering the use of Mr. Comins boat because it still has the city logos. Mr. Francis stated that Mr. Comins pulled back his offer and will donate to a different charity. Mr. Francis said he will request that Mr. Comins remove the Belle Isle insignia on that boat.

- d. Issues Log – Mr. Francis provided an updated issues log and highlighted the renovation of the Perkins Boat Ramp and Venetian Park. He will provide a capital facilities improvement plan for CCA at a future meeting.

- e. Chief's Report - Deputy Chief Grimm said based on the additional activity on the Lake the Agency will be submitted approval for two additional marine patrol officers on next year's budget. Council consensus was to move forward with the request.

MAYOR'S REPORT

- a. AIRBnB - Mayor Pisano reported from her trip to Tallahassee. She briefly spoke on Home Rule and AIRBnB update. She stated that the City of Orlando has passed an Ordinance addressing AIRBnB. She would like to add the AIRBnB ordinance update for discussion at the next agenda. Council consensus was to add the item for discussion.
- b. Tri County League Luncheon update – Mayor Pisano thanked everyone for their support of the Tri County Luncheon hosted by the City of Belle Isle.

COUNCIL REPORTS

Comm Gold - District 1

Comm Gold shared his view on the State Attorney report and stated in an effort to restore public trust is to request the City Attorney to look into an audit on the current Council for charter violations, violations of US Law and Florida Law. The report states "possible violations" and said there was nothing illegal or secret. Attorney Ardaman suggested Council to obtain outside Counsel if they want to move forward with the request.

Comm Carugno – District 2

Comm Carugno asked for clarification of the process to move forward to repairing a dirt road. Mr. Francis stated that the City would initiate a work criterion and consult with the City Engineer. He further asked for an update on annexation and access roads. Mr. Francis said that discussion and questions will be addressed at the next annexation meeting.

Comm Weinsier – District 3

Comm Weinsier shared his concern with the State Attorney's report and agreed with many of the residents' concerns with the allegations. He apologized and would like to take responsibility for any Sunshine Law violation he may have committed. Comm Weinsier read a brief response to the findings and provided a copy for the record.

Comm Readey – District 5

Vice Mayor Readey spoke on options for energy sources in generating one's own power in the future.

Comm Sims – District 4

Comm Sims thanked and shared the comments by Council on the State Attorney's report. He stated as the new Commissioner he has not seen any violations happening and no inappropriate conversations between commissioners. He spoke briefly on conflicts of interest and imminent domain as addressed in the workshop.

Comm Dowlen – District 6

Comm Dowlen asked if it was possible to get a schedule for street sweeping in the City. She also asked if there is an update on the social media position. Mr. Francis said he has not heard back from the school and will re-advertise the position. She further reported on the Police Department proactive approach to reassuring the parents of the school that it is safe to go to school.

Comm Nielsen – District 7

Comm Nielsen asked if the covers of the storm sewer are going to be pressure washed and the signs are going to be replaced at Windsor Place.

Comm Gold motioned if the summary read by Comm Weinsier be posted to the City's website.

Comm Sims seconded which was unanimously approved 7:0. Attorney Ardaman said he would like to ensure that it is consistent with the City's policy. Comm Gold restated his motion to include that the posting be contingent only if it is consistent to the City's website policy or it can be added to the minutes in its entirety. Comm Sims agreed and seconded the amendment which was unanimously approved 7:0.

Mayor Pisano opened public comment and recognized Karl Shuck.

Mr. Shuck stated if Comm Weinsier's summary is going to be allowed to be placed on the website it should be attributed to Comm Weinsier. He further believes the whole report by the State Attorney should also be posted to allow everyone the opportunity to make their own opinion. Council consensus was to post all reports.

ADJOURNMENT

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 8:30 p.m.

Yolanda Quiceno, CMC, City Clerk

DRAFT