



city council minutes

AGENDA September 20, 2016 * 6:30 p.m. City Council Regular Session

The Belle Isle City Council met in a City Council Regular Session on September 20, 2016 at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Mayor Pisano
Vice Mayor Readey
Commissioner Gold
Commissioner Weinsier
Commissioner Lance
Commissioner Mosse
Commissioner Nielsen

Absent was:

Attorney Kruppenbacher
Chief Laura Houston

Also present was Attorney Lang, Lt. Grimm and City Clerk Yolanda Quiceno. District 6 – OPEN.

CALL TO ORDER

Mayor Pisano called the meeting to order at 6:30pm. Comm Weinsier led the invocation and the pledge to the flag.

PROCLAMATION

Mayor Pisano read and presented the following proclamations;

- Proclamation honoring Dr. Stuart Bernstein. Mrs. Bernstein was in attendance to accept the proclamation; and
- Proclamation declaring Florida Suicide Prevention Month.

CONSENT ITEMS

Mayor Pisano asked for a motion to pull items c, d, and e from the agenda and place under #6-Second Budget Hearing and Adoption.

Comm Nielsen motioned to pull items c, d and e from the consent agenda and add to #6-Second Budget Hearing and Adoption discussion.

Comm Weinsier seconded the motion which passed unanimously.

- a. RESOLUTION NO. 16-07 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AMENDING THE FISCAL YEAR 2015-2016 ANNUAL BUDGET TO ALLOW FOR THE PURCHASE OF THE WALLACE STREET PROPERTY FROM THE CHARTER SCHOOL DEBT SERVICE FUND; AND PROVIDING AN EFFECTIVE DATE.
- b. RESOLUTION NO. 16-08 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AMENDING THE FISCAL YEAR 2015-2016 ANNUAL BUDGET TO ALLOW FOR THE INSTALL OF BELLE VISTA BAFFLE BOX FROM THE STORMWATER FUND; AND PROVIDING AN EFFECTIVE DATE.

Comm Nielsen moved to approved Resolutions 16-07 and 16-08.

Comm Weinsier seconded the motion which was passed unanimously.

CITIZEN COMMENTS

1. Pam Carter residing at 5901 Cove Drive, Belle Isle, FL shared her concerns with the City Manager selection process and provided a copy of her talking points for the file.
2. Donna Wright said she listened to the audio and the discussion of City Manager. She agrees that there is urgency to hire a City Manager; however, we all need to make sure that all the bases are covered and not rush to judgment. She added that it seemed that all were in agreement that a citizen advisory board may be a complement to the process. In addition, she noted that Comm McGinnis tried to make the point several times that the actual process did not have an exact format and may corrupt the process.
3. Tony Carugno residing at 2372 Hoffner Avenue, Belle Isle spoke to the speeding and sidewalk repairs on Daetwyler Drive. He also spoke to the high water level of the lake and some complaints from others that the water level may damage existing boat docks.

In response, Comm Lance noted that Chief Houston is working on the sidewalk issues. As far the water level, it is about ½ inch above the weir and where it is supposed to be. The Orange County Environmental Department is trying to get the water lowered and the State will not do it unless there is a big rain event. If there are boat docks under water it may be because they were built during the 1970's with very few restrictions. He stated that he will make some calls to notify Orange County Environmental Department of the residents' concerns.

Mayor Pisano stated that Chief Houston will contact Mr. Carugno with an update on the sidewalks.

SECOND PUBLIC BUDGET HEARING AND ADOPTION

Mayor Pisano opened for citizen comments for the Second Public Budget Hearing and Adoption. There being none she closed and opened for Council discussion.

- c. RESOLUTION NO. 16-09 - RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA ESTABLISHING THE AD VALOREM TAX LEVY UPON ASSESSED REAL AND BUSINESS PERSONAL PROPERTY TAX ROLLS OF THE YEAR 2016.
- d. RESOLUTION NO. 16-10 -RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA ADOPTING THE ANNUAL BUDGET OF THE CITY OF BELLE ISLE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017.
- e. RESOLUTION NO. 16-11 – RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA ADOPTING THE FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM FOR FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2021.

Comm Nielsen moved to approve Resolutions 16-09, 16-10 and 16-11.

Vice Mayor Readey seconded the motion.

Comm Lance asked for clarification on Resolution 16-09. Tracey Richardson, Finance Manager said the Resolution establishes the ad valorem rate of 4.4018 and keeping it the same.

No further discussion, items c, d and e were unanimously approved.

ATTORNEY'S REPORT

Attorney Lang stated that Attorney Kruppenbacher apologizes for not being in attendance, and will bring forward a written protocol for discussion at the next meeting.

CITY MANAGER'S REPORT

None.

MAYOR'S REPORT

Mayor Pisano recommended appointment of Anthony Carugno for the open District 2 seat. Comm Weinsier disclosed, for the record, that Gary Meloon expressed interest in the open position.

Comm Lance moved to ratify appointment of Anthony Carugno as District 2 Commissioner. Comm Gold seconded the motion which passed unanimously. Anthony Carugno was sworn in as District 2 Commissioner and assumed his position on the dais.

CHIEF OF POLICE REPORT

Lt. Grimm reported on behalf of Chief Houston. He reported on a few cases, and stated that the Police Department will be moving into the trailer soon.

COUNCIL REPORTS

- Comm Nielsen reported, in the interest of full transparency, that the State Attorney's office has initiated another investigation into this Council and this Mayor in regard to alleged sunshine violations in regards to the hiring of the City Manager. She brings this forward because it would not be fair to hire any candidate in this kind of situation.

Comm Nielsen made a motion to authorize the Mayor to approach the League of Cities and request a range rider to act as our City Manager. Comm Weinsier seconded the motion for discussion.

Comm Nielsen said a range rider is a retired City Manager with lots of experience. The League of Cities can put us in touch with a person who would come in and act as our City Manager. Mr. Kruppenbacher is our Attorney. There are several problems with him acting as City Manager. One of the main problems is that he does not have the time and delegates the work to the Chief of Police, who already has a full time job. She feels very strongly that we need somebody officially in this position. She noticed that the Thursday night meeting has been cancelled and does not believe it is fair to hire somebody for a job where they will not know if they are going to have the same council to work with. At the last meeting there was not any agreement on who we will hire. Just for the practical need that the City has to get these things done; we can hire a range rider for a temporary position.

Comm Gold said this is an excellent idea. We have no idea on how long this is going to take. He suggested amending the motion and scratch the process that we have gone through

until now, and go back to square one or back to the 13 candidates. The suggestion was not accepted as an amendment to the motion.

Mayor Pisano stated that she sent the City Attorney an email to cancel the process due to the sunshine violation. She does not want to move forward with anything that is not the right thing to do. It would not be fair for the candidates, the City or the residents. She noted that the Acting City Manager recommended two options; (1) getting a temporary City Manager from the Florida League of Cities, or (2) hiring Laura Houston as the Interim City Manager and making Lt. Grimm the Interim Chief, as was done a few years ago with John Tegg.

Comm Lance agreed with the recommended options to offer the job to Chief Laura Houston.

Vice Mayor Readey said that there are always a few people that come forward that feel the process was not done properly. He strongly expressed that he would like to move forward with the two candidates and hire a City Manager.

Attorney Lang conveyed that he spoke with Frank Kruppenbacher and he feels very strongly that the City stop the process at this point, until the investigation is completed. It would be unfair to hire someone with a pending investigation. If there is something found in this investigation the selection would be null and void.

Comm Mosse said that he has a lot of respect for Chief Houston; however, she is not a City Manager. Discussion ensued.

Comm Weinsier stated that he does not believe there is any sunshine law violation, and for the record it is an alleged sunshine violation. Chief Houston is just getting settled into her position and to make a change and compromise the structure of the command, at this time, will be doing a great disservice. He does not feel comfortable placing Chief Houston as Interim City Manager and does not feel it is the right thing to do. We do not need any more changes in the structure of command.

Comm Lance stated that he learned from the Florida League of Cities that it was potentially a violation to have the City Attorney act as the City Manager and believes we have to make the change to protect our City and our City Attorney.

Comm Nielsen stated that Chief Houston never asked to be City Manager. We need our Police Department and need it intact. We do not need to take Chief Houston out of her position.

This is not fair to Chief Houston, her department and the City. After hearing of the second complaint, she thought we should go through with our present candidates and asked them if, in this situation, they would choose to accept the position and move forward. She does not believe there have been any sunshine violations.

After Council discussion, Attorney Lang stated that Attorney Kruppenbacher recommended that the City stop the process at this point, until we get some direction from the State Attorney's Office and we either bring in the Chief of Police and/or get a ranger. Basically, he is stating not to offer the job to anyone until we have a better feel for whether or not we have the ability to do so.

Further discussion ensued on the possibilities of having Chief Houston as Interim City Manager.

Comm Nielsen reiterated her motion and stated that Council leave things in the City as they are today, but directed Mayor Pisano to immediately contact the League of Cities for a range rider to come in and act as our City Manager.

Comm Weinsier seconded the motion which was approved 5:2 with Comm Lance and Comm Carugno in opposition.

The City Clerk asked for clarification on the motion to approve the 2016-2017 budget as presented. Attorney Lang stated that the consent agenda items were approved, which established the items within the budget, however, Council should approve the budget as such,

Comm Lance motioned to approve the 2016-2017 budget as presented.

Comm Gold seconded the motion.

Comm Carugno asked to be excused from the vote and left the room for Council vote.

The motion was approved, with no discussion, by all present.

Comm Readey motioned to have the candidates be notified that the process has been placed on hold, by formal letter with an apology, until further notice from the State Attorney's Office. At which time, we hope to commence operations to select our final candidate selection.

Comm Nielsen seconded the motion.

Comm Gold asked if this will give the impression that the process is still down to two. If so, he is opposed and believes with a new representative for District 2 we should start a new process and choose an impartial moderator to ask the questions.

After Council discussion, Attorney Lang recommended that a letter be sent to the candidates that the process has stopped, and we will be back in touch with them at such time we decide to put the process back into motion.

City Clerk advised that she has contacted the candidates, as per Frank Kruppenbacher. She stated that she notified the candidates and told them that the selection process has ceased due to the investigation. Once she receives further information from the City Attorney, if it is to continue, they will be notified.

Comm Lance stated for the record we would not be in this mess if we obtained a citizen advisory board.

Comm Readey motioned to ratify the acting City Manager decision to send a letter to the candidates that the selection process has stopped, until the City receives further notice from the State Attorney's office.

Comm Gold seconded the motion which passed unanimously with all present.

Comm Carugno was not present for the vote.

- Comm Nielsen spoke of the drainage problem in Conway Shores and has alerted Attorney Kruppenbacher. She noted that a big section of that area is not above the normal lake level.

There was discussion on involving the citizens in the process of selecting a City Manager. Comm Nielsen asked that they go over what the position of the City Manager entails and what is required for the position. She noted that it is very specific and has zero to do with contracting. There is a lot more information the citizens would need to know if they are going to be involved in the process.

- Comm Mosse asked if there is a process in the Charter to hire a City Manager. Mayor Pisano said yes.
- Comm Lance said he continues to receive complaints on the dilapidated boat docks on the south lake.
- Comm Weinsier provided an update on the following,
 - He wanted to make sure that the City review the services provided by the landscape company to make sure that we are getting the services we are paying for.
 - He provided an update on the Google Apps process, and noted he is waiting for one additional step to be completed before he moves forward.

- Comm Weinsier recognized Katy McGinnis for her service and how well she conducted herself in meetings. She wanted to do what was best for all residents; she had no favorites and no agenda and he appreciated her service.
- Comm Weinsier said he received a request via email from Karl Shuck asking for a motion to approve adding a small statement from the Rosenberg Rules of Order as it relates to audience participation on all city council agendas.
- Vice Mayor Readey announced that he has a candidate for the Planning and Zoning Board and will announce her name at the next meeting.
- Comm Carugno spoke of his earlier comments on the lake levels. He further spoke of the speeding and speed limit signs on Lake Conway Estates and asked what the City can do to change the speed limit.

Comm Carugno asked for direction on a property on Hoffner where the State is claiming ownership. Attorney Land said that he will bring the concern to Attorney Kruppenbacher.

- Comm Gold said, for the record, all of them would have been excellent candidates, however, he believes the process was not good. He would like to suggest and hope the community supports hiring a professional to help with the process moving forward.

CITIZEN COMMENTS

Mayor Pisano re-opened for citizen comments.

- Richard Weinsier residing at 6824 Seminole Drive, Belle Isle asked for the status on the snipe signs ordered announcing city meetings.
- Phil Price residing at 7440 Daetwyler Drive, Belle isle spoke of the City Manager process and said that he is in agreement with the motion to move forward with a range rider.
- Larry Miles residing at 6409 Cay Circle, Belle Isle spoke of the City Manager process and moving forward.
- Holly Bobrowski residing at 2400 Hoffner Avenue spoke of the City Manager process and was in favor of starting the process over again.

Comm Lance reported that he received an email from Kent Perroux who has filed a complaint on a non-conforming boat dock on 7210 Seminole Drive. Mayor Pisano stated that she has forwarded the email to Attorney Kruppenbacher and Code Enforcement for review.

ADJOURNMENT

There being no further business, Mayor Pisano called for a motion to adjourn, unanimously approved at 7:58 p.m.

Yolanda Quiceno
CMC-City Clerk