



city council minutes

MINUTES April 18, 2017 * 6:30 p.m. City Council Regular Session

The Belle Isle City Council met in a City Council Regular Session on April 18, 2017 at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present:

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

Absent:

Attorney Kruppenbacher
Commissioner Mosse

Also present: Attorney Tom Callan, City Manager Bob Francis, Chief Laura Houston and City Clerk Yolanda Quiceno. Meeting audio is available on the City's website at www.cityofbelleislefl.org and at City Hall.

CALL TO ORDER

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

CONSENT ITEMS

- a) Proclamation: Declaring May 7-13, 2017 "North American Occupational Safety and Health Week and May 10, 2017 "Occupational Safety and Health Professionals' Day" in the City of Belle Isle, Florida
- b) Approval of the revised City Council Regular Session minutes of February 21, 2017
- c) Arbor Day/Earth Day Proclamation (not attached)

**Comm Nielsen motioned to pull item b: February 21, 2017 minutes for discussion.
Comm Lance seconded the motion.**

**Mayor Pisano called for a motion to approve items (a) and (c) of the consent items.
There being no opposition, the motion was unanimously approved.**

Comm Nielsen opened discussion on what the minutes of the Council meeting are supposed to contain and reminded Council that Attorney Kruppenbacher previously stated that the minutes must contain every action of the Council. She noted that, they do not and cannot contain every important comment that might be made.

Comm Nielsen motion to add a statement to all the minutes, including this one, that the written minutes alone is not a complete record of the meeting without the audio. It will also relieve the concern of commissioners, at times, that any of their statements may be overlooked or be considered important.

Attorney Callan recommended the motion to be restated as, written minutes are a complete summary of what occurred at a Council meeting, discussed and approved. The audio is available for review at City Hall. He does not want the City to make the statement that the minutes are not complete.

After discussion, Attorney Callan asked Council to allow him to provide a draft statement for review at the following meeting.

Comm Nielsen requested a correction to the minutes on page 4 to replace the word “misspoke” to “misinformed” in the minutes as follows, “Attorney Callan ~~misspoke~~ was misinformed and said Attorney Kruppenbacher has advised the Board previously that the Mayor will negotiate the contract with the City Attorney.”

Discussion ensued, and the Clerk was asked to review the audio tape with the City Attorney for the correction. The minutes were not approved as presented.

PRESENTATION BY ORANGE COUNTY MARINE PATROL

Lt. Dennis Ela, Special Operations at the Orange County Sheriff’s Office (OCSO) presented a brief overview, clarification and education on what Florida State Statutes allow their agency to enforce on the water ways. He stated that the presentation is not an opinion, but an overview on what they are allowed to enforce by State Statute.

Deputy Adam Popp, at the Orange County Sheriff’s Office spoke to the concerns addressed by the residents on Lake Conway. He addressed the definition of careless and reckless operation of a boat and the changes in legislation in 2016 that restricted the efforts of Law Enforcement Officers in enforcing activities on the waterways.

Comm Carugno expressed his concerns and the safety hazards he has observed on the lake.

Comm Lance stated that the most responsive action that can be taken is to have all residents contact the State Representatives and Senators to change legislation.

After discussion, Comm Lance motioned to have the City pass a Proclamation or an Ordinance to allow the Mayor to lobby for the City on this issue in Tallahassee. Comm Nielsen seconded the motion which was unanimously approved.

Mayor Pisano opened for public comment.

The following residents spoke and expressed their concerns on the lake activity,

- 1-Rick Wilson residing on Pasadena Drive, Belle Isle, FL.
- 2-Matt Brannon residing at 7219 Lake Drive, Belle Isle, FL.
- 3-Sue Wilson residing on 5437 Pasadena Drive, Belle Isle, FL.
- 4-Scott Bingham residing on 5859 Cove Drive, Belle Isle, FL.

Attorney Callan said the State owns the lake bottom up to the ordinary high watermark on the adjoining property and the City and County are limited on what they can do. The one thing that the City can do is to control the City access points to the lake. With cooperation with the County and the NAV Board, the City may ask if there is no marine patrol on the lake within a certain period during the day, can the City close the lake access points during those hours of operation.

After further discussion, OCSO will continue to work with the Belle Isle Police Department to enforce what they are authorized to do. Mayor Pisano and Council thanked the OCSO for their service.

CITIZEN’S COMMENTS

Mayor Pisano opened for Citizen Comments.

- Rich Holiday residing at 5270 Oak Island Road said he believes having a patrol vehicle on the corner of Hoffner and Oak Island Road between the hours of 4-6pm to monitor the lake traffic would be a huge benefit. He also asked if Council would reexamine their approach to the lack of workshops to discuss City issues.
- Matthew Troy residing at 5027 St. Michael, Belle Isle, candidate for the Cornerstone Charter Board introduced himself and thanked the Council for their consideration.
- David Evertsen residing at 5130 St. Michael Avenue, Belle Isle, candidate for the Cornerstone Charter Board respectfully withdrew his application for consideration.

There being no further comment, Mayor Pisano closed the public comment session.

CORNERSTONE CHARTER SCHOOL BOARD MEMBER APPLICATIONS

Mayor Pisano opened for discussion the Cornerstone Charter School Board application process. Mayor Pisano stated that there are two seats currently open. Council members asked why the City is involved with picking Board members for the Charter School. Mayor Pisano briefly discussed the Charter School’s process for applicant applications.

Comm Nielsen stated for the record, as long as Bill Brooks was the Mayor of this City, Council approved every appointment to the School Board. The Council started the school and the City government holds the Charter. The City does not want to abandon that responsibility and that is why the City pursued having more control over the membership of the school’s governing board. Discussion ensued on the election of seats and the ex-officio appointment.

City Manager Francis asked, when the nominations go to the school board and, if the nominations are not chosen, when is the next opportunity to go back to the Board? Mayor Pisano stated that the last school board meeting is on the last Wednesday of April to vote on the nominations. If none of the applications are chosen they will hold a special meeting in June.

Council agreed to nominate the top five candidates from the list and submit each Council member’s selection to be read into the record by the City Attorney. The selection was read as follows,

| <u>Comm Gold</u> | <u>Comm Carugno</u> | <u>Comm Weinsier</u> | <u>Comm Lance</u> | <u>Comm Readey</u> | <u>Comm Nielsen</u> |
|------------------|---------------------|----------------------|-------------------|--------------------|---------------------|
| M. Troy | K. Shuck | M. Troy | K. Shuck | K. Shuck | N. Hickey |
| M. Brennan | L. Brennan | N. Hickey | N. Hickey | Shan | M. Troy |
| K. Shuck | N. Fouraker | K. Shuck | T. Dufford | L. Brennan | L. Brennan |
| N. Hickey | M. Brennan | L. Brennan | L. Brennan | N. Hickey | J. Mirza |
| L. Hobbs | | M. Brennan | M. Troy | D. Evertsen | L. Hobbs |

The top five selections was read as follows,

1. Matthew Troy-4
2. Nora Hickey-5
3. Karl Shuck-5
4. Laura Brennan-5
5. Matthew Brennan-4

Council reviewed the top five candidates and discussed to narrow down their selection to the top two candidates for consideration to the Cornerstone Charter Board selection.

- Comm Nielsen moved to nominate Nora Hickey as one of the two candidates.**
- Comm Lance seconded the motion.**
- Motion passes 4:1 with Comm Carugno opposed to the motion. (Comm Gold non-vote.)**

**After discussion, Comm Lance motioned to nominate Karl Shuck as the second nomination.
Motion failed for lack of a second.**

**Comm Carugno motioned to submit all five names to the Governing Board for consideration.
Motion failed for lack of a second.**

Comm Weinsier motioned for reconsideration of the candidates and reopen the nomination process from the top five list.

Comm Lance seconded the motion, which was unanimously approved.

Comm Weinsier motioned to rescind the initial nomination of Nora Hickey.

Comm Lance seconded the motion, which was unanimously approved.

Comm Weinsier motioned to vote on the top two candidates from the top five list and submit for consideration as approved by the Council.

Comm Nielsen seconded the motion, which was unanimously approved.

After Council discussion, the following top two candidates were considered and read for the record,

| <u>Comm Gold</u> | <u>Comm Carugno</u> | <u>Comm Weinsier</u> | <u>Comm Lance</u> | <u>Comm Readey</u> | <u>Comm Nielsen</u> |
|-----------------------|---------------------|-------------------------|-----------------------|----------------------|----------------------|
| M. Troy M. Brennan | K. Shuck M. Troy | N. Hickey M. Brennan | K. Shuck N. Hickey | N. Hickey M. Troy | M. Troy N. Hickey |

The top two selections was read as follows,

1. Matthew Troy
2. Nora Hickey

Comm Nielsen motioned to send the names of Matthew Troy and Nora Jane Hickey to the Governing Board as the City's nomination for the Cornerstone Charter School Governing Board.

Comm Weinsier seconded the motion, which was passed 5:1 with Comm Carugno in opposition.

BING GRANT APPLICATION/PROCESS APPROVAL

City Manager Bob Francis presented a redlined draft of the Bing process for review and approval. He stated that he received some comments from Comm Nielsen however they are grammatical changes and do not substantially change any of the rules or meaning of the rules.

Comm Weinsier had the following comments for discussion,

- All references to \$3,000 should be changed to \$10,000.
- Define the word "hold over" throughout the document and have the distinction that "year" refers to budget year not calendar year.
- Clarification that services of Attorney Fees cannot be expended with Bing funds.
- Neighborhoods, Home Owners Associations and Memberships should be referenced as a Neighborhood Group which will include resident groups of 3-5.
- Document should reference that Council, as a whole should be the voting member not an individual council member. The applications should be submitted to the City Manager and the City Manager will present to the Council for recommendation as a whole.
- Add language to the document that allows two districts to combine their budget on a proposed project.
- Email should be included for the City Manager as a form of contact information.
- Renumbering of section numbers.

Comm Lance requested to apply the allocation of funds as follows,

- Maximum of \$10,000 per district and \$3,000 per grant. After a certain period of time, if no other group has applied, the approved application may resubmit for more funding up to \$10,000.

Attorney Callan suggested the following change to read, 2(o) Neighborhood improvement grants may be issued for up to \$10,000 per grant at the discretion of the City Council.

Council consensus was to draft the document with the changes and bring back to Council for approval at the next meeting.

Approval of Belle Isle Pines Home Owners Association (HOA) Application – Gondola Dr and Wind Drift Road installation of copper service and irrigation meter

Mayor Pisano presented a grant request for approval for the Belle Isle Home Owners Association for installation of a 1 inch copper service and ¾ inch irrigation meter with a total cost of \$3,442.00. Mayor Pisano gave a brief summary of the project and asked for approval of this request which will allow the Belle Isle Pines HOA to finalize their approved Orange County grant that will expire in May.

Comm Weinsier motioned to approve this request, even though the City has not finalized the Bing Grant guidelines, however, this project would qualify. Attorney Callan recommended that the motion will also include authorization for the City Manager to issue a check in the amount of \$3,442.00 upon submittal of a completed application by the group.

Comm Lance seconded the motion, which was passed unanimously.

FACILITY USE AGREEMENT

City Manager Bob Francis presented a draft agreement for review and approval. He gave a brief summary of the agreement and the safeguards that were added to protect the City. Council discussed the following changes,

- Section 1 – should include, members who have residents in the group can use the facility
- Section 1(f) -remove the reference to drugs not being permitted; drugs are already illegal and the reference is not necessary
- Section 4(b)(ii) –should be limited to non-alcoholic beverages/refreshments
- Section 4(f) – should be extended to read, may forfeit future use for potential violation of any of these rules described above
- Section 4(g)(iii) – no-show fee should be changed to \$25.00 that may be waived at the discretion of the City Manager
- Section 5 – remove the reference to “bump” and replace with reserving the right to “cancel” any meeting

Mayor Pisano shared her concerns and said that she is in agreement that the City should protect the building however, the agreement and fee(s) is extremely restrictive. Discussion ensued on the proposed fees.

After Council discussion, Comm Nielsen motioned to approve the policy with the changes as discussed. Comm Gold seconded the motion, which was passed unanimously. Council consensus was to have the City Manager approve, upon his discretion, the pending request for facility use from Pioneer Days and Conway Isle HOA.

A revised copy of the agreement will be provided to Council at the next City Council meeting.

ATTORNEY'S REPORT

Attorney Callan reported that the City is working on the reimbursement for payment to the donor of the Police Department construction. The City is verifying that all the affidavits and warranties are in order before finalizing the reimbursement.

Attorney Callan stated that Attorney Kruppenbacher would like Council to consider scheduling a workshop to review Charter amendments. After discussion, Mayor Pisano asked that it be an agenda item at the following Council meeting and have all bring their calendars.

Comm Nielsen moved to appoint the City Manager to look at available dates to discuss charter changes. As for the content, she would like to have Comm Weinsier or a Commissioner to work with the City Attorney. Attorney Callan reminded Council when April Fisher was hired part of her contract is to work on the charter changes.

Mr. Francis requested if the workshops can be pushed until after May 10th. He will be returning to Oregon the first two weeks in May to finalize his move to Florida.

After discussion, Council approved the next charter change discussion workshop for May 17th, 2017 at 6:00pm. Mayor Pisano noted if Council has any proposed changes or discussion items before the meeting they can contact the City Manager.

CITY MANAGER'S REPORT

Mr. Francis reported the following updates,

- On May 3-10th he will be going to Oregon to finalize his move to Florida.
- He reported that he met a lot of great people at the meet and greet and has attended a few meetings with residents.
- The Nela Bridge will be pressure washed on April 19th.
- He will be contacting Orange County to discuss maintenance of the Hoffner Bridge.
- He will be working on standardizing park signs throughout the City.
- He spoke of the possibility of scheduling future town hall meetings.
- The Council, a few meetings ago, adopted the Compensation and Classification Study and one of the issues is that there is no reference to a police lieutenant. Lt Grimm meets the criteria to be a deputy chief and will be reclassified effective immediately.
- The City will be going to a new health insurance carrier. The new carrier will be locking in a rate for 18 months and will align with the new budget year. An additional benefit for the employees is that the new insurance carrier will provide out of network coverage.
- Mr. Francis provided a draft agenda format that will include total page numbers and voting item summaries.

Mr. Francis announced that he has found a home just outside of the City and will not be able to live in the City at this time. He further asked for Council approval to have the date of his employment approval in March for the purpose of covering his health insurance coverage starting in May.

Comm Nielsen motioned to approve the housing arrangements and also to have the insurance date back dated to the approval of his employment in March.

Comm Lance seconded the motion, which was unanimously approved.

MAYOR'S REPORT

Mayor Pisano gave an update of the following,

- a. NAV Board meeting update and the lake issues.
- b. Mayor's meeting and Legislative update on Vacation Homes, CRA changes, Wireless Communication and Charter School Bill.
- c. Mayor Pisano noted that she is looking to schedule town hall meetings in the City in June 2017.
- d. Lake Clean Up/Earth Day on April 29th update

COUNCIL REPORTS

District 1 – Comm Gold

- Comm Gold reported on the repaving of the curbing in his district and was in agreement with the new agenda format.

District 5 – Comm Readey

- Comm Readey asked if the City Manager can research the approval of the fountain and move forward with the project.

District 3 – Comm Weinsier

- Comm Weinsier expressed his agreement with the new agenda format.

District 4 – Comm Lance

- NAV Board meeting is on the second Tuesday of every month and asked if the City Clerk can notice every meeting at City Hall.
- Comm Lance asked if there is any progress on the MOU for the Warren Park Boat Launch. Chief Houston said she was notified by the Sheriff's Office that there will be a verbal agreement made with the City and the MOU will not be issued. Discussion ensued and Attorney Callan said he will attempt to draft a letter, per the verbal agreement, for submittal to the Sheriff's Office.
- Comm Lance reminded Council that the City approved for a traffic study for the Trentwood Blvd/Daetwyler Road and asked that Mr. Francis follow up on the progress. In addition, he asked if the City can research who is responsible for the sidewalk on the east side of Daetwyler. The sidewalk is in disrepair and the residents are asking questions.
- He asked if the City can look into the process of obtaining a building permit as an agenda item for a future meeting.
- Comm Lance asked for an update on the Perkins boat ramp. Mr. Francis stated that he has been in contact with Mr. Liberty regarding signage.
- Comm Lance asked if the City can research the possibility of changing Belle Isle residents' zip codes from Orlando to Belle Isle to ensure that all communication and utility tax revenue is directly issued to our City. Council agreed to draft a news article in the next Bulletin.

District 7 – Comm Nielsen

- Comm Nielsen stated that she has received some questions recently, and she has a personal issue, with the City not having a signed contract with the City Attorney. A solution she suggested was to (1) have a contract signed appropriately by the City; or (2) start the process for a Request for Qualifications (RFQ) for an Attorney. She spoke of the pros and cons to submitting for an RFQ at this time and the questions with Attorney Kruppenbacher having conflicts between the City and the school.

Comm Carugno asked if it would be wise to shop for a new Attorney and try to save the citizens some money. Discussion ensued on how valuable Attorney Kruppenbacher is to the City. Attorney Callan asked for direction from Council to authorize a Council member to negotiate a retainer or an hourly rate contract with Attorney Kruppenbacher.

Comm Lance motioned to authorize the City Manager Bob Francis to renegotiate the contract with Attorney Kruppenbacher and bring back to City Council for approval.

Comm Gold seconded the motion, which was unanimously approved.

Mayor Pisano recognized Richard Weinsier. Mr. Weinsier residing at 6824 Seminole Drive asked Council if they do not have a problem with the many times Attorney Kruppenbacher has not attended Council meetings. Discussion ensued.

Comm Nielsen asked for the Boat Ramp discussion to be placed on the next agenda. In addition, she asked the City Manager to have City Hall start a recycling program moving forward. The request met no opposition.

ADJOURNMENT

There being no further business, Mayor Pisano called for a motion to adjourn, unanimously approved at 10:15p.m.

Yolanda Quiceno
CMC-City Clerk