



city council minutes

AGENDA **March 7, 2017 * 6:30 p.m.** **City Council Regular Session**

The Belle Isle City Council met in a City Council Regular Session on March 7, 2017 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 Carugno
Commissioner Weinsier
Commissioner Lance
Commissioner Mosse
Commissioner Nielsen

Absent was:

Attorney Kruppenbacher

Also present was Attorney Callan, Interim City Manager April Fisher, Lt. Grimm and City Clerk Yolanda Quiceno. Meeting audio is available on the City's website and at City Hall.

CALL TO ORDER

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

CONSENT ITEMS

- a) Proclamation declaring April as Water Conservation Month
- b) Approval of City Council Regular session minutes – February 7, 2017
- c) Approval of City Council Workshop session minutes – February 17, 2017

Comm Nielsen moved to approve consent agenda items with corrections presented.

Comm Lance seconded the motion which was passed unanimously.

REPUBLIC SERVICES RE-ROUTE PROPOSAL

Don Collins, Government Relations Manager for Republic Services proposed a new route identifying two services zones and some opportunities while keeping the same services, at the same rate, but on different days. The reroute will reduce truck time and consume less fuel minimizing their impact on traffic and the environment. Brian Thornton, Republic Services General Manager, was also present for comment.

Mayor Pisano said her concerns with the proposal are (1) most people do their yard work on the weekends and changing the yard service pick up to Wednesday will have the yard waste sitting out on the curb too long; and (2) changing the day to Wednesday will interfere with early pick up day and the school traffic.

Comm Lance said he had the same concerns with the Wednesday yard waste pick up. He asked if Republic Services was able to provide an estimate on how much it will save the City from the possible increases vs. not changing the route.

Mr. Collins said either way price increases are part of the contract moving forward as per the contract language, which will not change. What they are trying to avoid is future increases related to significant changes with the type of service they are providing as a collection company.

Comm Weinsier also shared his concern with the change to yard pick up on Wednesday. He further noted that retraining residents differently would be easier if he had concrete evidence as to why they should approve the change. Discussion ensued on recycling rates, once a week service and rolling cans.

Comm Nielsen said she would like to see the prices remain the same, greater sustainability. Continue garbage and trash and to keep yard waste on a Monday. She further added that moving to one day a week can be an option.

After discussion, there was consensus to review the proposed plan and bring forward more options based on the Council discussion.

CITIZEN COMMENTS

Mayor Pisano opened for public comment.

1. Cindy Lance residing at 3401 Trentwood Blvd. spoke on behalf of the feral cats and said the City should not be taking on the issue and should be left to the citizens to manage.
2. Holly Bobrowski residing at 2400 Hoffner Avenue asked if the waste services provide a smaller garbage can for automated services. Mr. Collins said yes, they offer two sizes. She asked why it is necessary to obtain April Fisher for the planning and zoning position for \$60,000 a year when the past City Managers assumed those responsibilities; seems a little redundant. In conclusion, she asked, where is the City Attorney.
3. Dina Goodenow residing at 6416 Gibson Drive said she is delighted on the incoming City Manager. She shared her concerns on the innuendo's and insinuations made by a few of the Council members about Mr. Kennedy's candidacy. If no proof of wrong doing was presented a potential lawsuit may follow. In short, she would like to see representatives who have all citizens in mind and support the new city manager as he makes the transition
4. Charlene Kennedy residing at 2624 Homewood shared her concerns on the process of the City Manager selection. She provided a summary of her presentation and concern for the file.
5. Matt Giglio residing at 3101 Trentwood Blvd said he receives the agenda for the Council meeting and feels that he has to search for the documents on the agenda. He would like to see the information sent ahead of time to allow everyone the opportunity to review. He further asked who negotiated the employment agreements and asked for clarification on the process. Discussion ensued on the process.

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

ORDINANCE 17-02 FIRST READING AND CONSIDERATION

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING BOAT DOCK REGULATIONS; BY AMENDING PART II, CODE OF ORDINANCES; BY AMENDING SUBPART B, LAND DEVELOPMENT CODE; BY AMENDING CHAPTER 48, ENVIRONMENTAL REGULATIONS, ARTICLE II, BOAT DOCKS; BY AMENDING CHAPTER 54, ZONING DISTRICTS AND REGULATIONS; BY AMENDING SECTION 54-1, RESTRICTIONS UPON LAND, BUILDING AND STRUCTURES; BY AMENDING SECTION 54-79, RETAIL COMMERCIAL DISTRICT C-1; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Comm Lance moved to approve Ordinance 17-02 for second reading and adoption with some minor revisions that have been provided. Comm Gold seconded the motion for discussion.

Comm Lance spoke briefly of the revision process and stated that the City Attorney had approved for him to meet with City Manager April Fisher and Chairman David Woods of the Planning & Zoning Board to clarify technical terms and issues within the document. Comm Lance noted that there are two substantive changes described in #14 which will change the overall height of the normal high water mark to accommodate the new style boats from 13 Feet to 14 feet; and #21 which will allow some availability for commercial properties to moor vessels as permitted.

April Fisher spoke of the process and said she is confident that the discussion has been very transparent and the document is in conformance with the Planning and Zoning Board decision. The one recommendation by Council, will be correction to Page 9 under violations (d) , to read that the permit fee be quadrupled instead of double the permit fee will be more of a deterrent to someone who is violating these regulations.

Comm Lance accepted the recommendation into the motion.

Mayor Pisano said she would like to ensure that Regal Boats will not be hindered with any of the recommended changes. April Fisher said if the language on page 10(c)(3) remains she does not believe that it will hinder their business.

Comm Gold stated that he would like to see the document with all the revisions for review before Council approval. April Fisher stated that it was not possible to give a document with the revisions because the changes came from a Commissioner and not the Planning & Zoning Board. If the changes are approved by Council the document will be updated as proposed.

Comm Gold further requested item #3 to include that the acronym be spelled out in the definition on page 2.

Comm Carugno shared his concern with the moored boat 10ft set back and the flat roof top definition. Comm Carugno suggested tabling the document to a later date to allow for further review. He further asked who will be enforcing the ordinance. April Fisher said it will be a combination effort. First, new applications will be reviewed for compliance during plan submittal by a designated planner and existing docks will be cited by Code Enforcement if in violation. Mayor Pisano stated that the code enforcement of boat docks is a bit challenging because the code enforcement officer is rarely on the water. Comm Lance stated that the enforcement efforts have started and letters have been sent by the City to those who have docks in disrepair.

Comm Weinsier wanted to be recognized, for the record, the Planning & Zoning Board members for all their work in writing the document. Comm Weinsier shared his concern on modifications to existing boat dock permits. Discussion ensued.

Comm Carugno asked for clarification on Page 6, 6(c). After discussion, consensus was to strike the word agricultural and leave the remainder of the language as presented.

Mayor Pisano opened the public comment section to Matt Giglio. Matt Giglio asked if the Ordinance will be approved tonight. Attorney Callan said all substantive changes must be done tonight; however, once approved they cannot be changed at the second reading hearing. If there are substantive changes at the second hearing it will need to be reposted for first reading. Discussion ensued on the boat dock application process.

After discussion, Comm Lance motioned the following proposed revisions as presented and discussed,

- 1. Page 1- 8 whereas clause- revise hearing dates to reflect March 7, 2017 and March 21, 2017.**
- 2. Page 2- Sec. 48-3X should be Sec. 48-30.**
- 3. Page 2- Access walkway definition should read- "means that portion of the dock that commences at the NHWC and terminates at the junction with the terminal platform".**
- 4. Page 2- Normal High Water Elevation- the NHWE should be 85.85. (confirmed by David Woods)**
- 5. Page 3- Projected property line- add "into the water body." after "the upland property line" on the first line.**
- 6. Page 3- Slip or boat-slip- strike "a single" just before the word watercraft.**
- 7. Page 3- Terminal platform- strike the last sentence.**
- 8. Page 4- (2) b. "shoreline" should be replaced with "NHWC".**
- 9. Page 4- (2) c. should read "The exact distance between the point where the access walkway to be constructed crosses the NHWC, and two permanent objects (e.g., tree) to be used as reference points;"**
- 10. Page 5- (1) strike last sentence.**
- 11. Page 5- (2) a) 3. Replace "NHWE" with "NHWC". Add a sentence after (2) a) 3. that states lake bottom elevations may be measured by the dock builder and the information provided as part of the application. A new survey is not required.**
- 12. Page 5- (3) Add after the first sentence- "In no case shall the maximum be less than 400 square feet." And in the next sentence should read- "The linear shoreline frontage shall be measured in a straight line between the two outermost projected property lines and the NHWC or a straight line between the two outermost property corners as shown on a survey, upland of the NHWC, or whichever is greater."**
- 13. Page 5- (4) first line- replace "place them" with "be".**
- 14. Page 6- (4) continued at the top- "replace 13" feet with "14 feet" and use NHWE instead of spelling it out.**
- 15. Page 6- (5) in the next to last sentence, add the word "feet" after the word "four".**
- 16. Page 6- (6) a. should read "No boat dock construction permit shall be issued on a lot or combination of lots that does not have a principal structure first located thereon, or issued for a principal structure.**
- 17. Page 6- (6) f. replace "associated with" with "part of" and at the end of the last sentence, add "according to Sec.48-32(2)"**
- 18. Page 7- (8) c. add a second sentence that says "No solid or opaque railings or wall are allowed."**

19. Page 7- (8) f. on the second line, strike "boat maintenance and/or repair equipment and materials,".
20. Page 8- (d) close to the bottom of the page, at the beginning of the fourth line just after the word "activities", add "would not normally require a permit and".
21. ADD SUBSECTION - 48.32 (9) Notwithstanding anything to the contrary, no boat or boats shall be moored, beached, placed or parked, either permanently or temporarily, within 5 feet of any side yard setback extending from the projected property lines of all abutting shoreline properties.
22. Page 6, Sec 48-32 6(c), should read, "c. Private boat docks shall only be permitted on lots or combinations of lots zoned or used for residential purposes, and no boat docks shall be permitted on any lot or combination of lots used for agricultural, commercial, professional-office and/or industrial purposes.
23. Page 9-10 Sec 48-35(d) – Violations; penalties; enforcement should read as follows, "...Such remedial action may include submittal of revised drawings, reapplication for a permit, double quadruple the permit fee, removal of dock, and administrative and civil penalties."

After discussion, the motion passed 6:1 to incorporate the proposed revisions and for second reading and adoption. Vice Mayor Readey was not present for the vote.

ATTORNEY'S REPORT

City Manager Employment Agreement

Attorney Callan clarified one of the issues motioned at the previous meeting. He was going to recommend to the Board to appoint a council member to negotiate the contract with the City Attorney. Mayor Pisano stated that the City Attorney, in previous discussions, said it goes to her. After speaking with Attorney Kruppenbacher he did not recall the conversation and, in an abundance of caution, and due to the fact that the Mayor does not have the authority to negotiate any contracts for the City, the City Attorney did not include her in the negotiations.

Contracts are always approved by the City Council and the Mayor signed on behalf of the City with the direction from City Council. Attorney Callan gave a brief summary of the contract and terms of employment.

Comm Lance moved to approve the employment agreement with Robert G. Francis Jr with a yearly salary of \$118,000 beginning April 3, 2017.

Comm Gold seconded the motion for discussion.

Council discussed the general job description, expectations and vehicle allowance.

Comm Weinsier stated, for clarification, on May 3, 2016 City Council approved a range of \$95,000-\$142,500. The offer was awarded mid range for someone with our 20 years of experience.

The motion passed 6:1. Vice Mayor Readey was not present for the vote. City Council moved to have the Mayor sign the contract on behalf of the City of Belle Isle.

General Planning Services Employment Agreement

Attorney Callan stated that it is important to allow for time to transition into the position and this will allow April Fisher to continue to close some of the open projects in the beginning. He spoke of the scope of services and contract terms.

Comm Gold moved to approve the consultant agreement with April Fisher with monthly fixed payment of \$5,000.

Comm Lance seconded the motion.

Comm Nielsen said this will ensure a good transition and once the City Manager is on board he can decide if the services will be needed moving forward.

Attorney Callan stated if the City Council or the City Manager want to terminate the contract it will need to be brought back to Council.

The motion passed 6:1. Vice Mayor Readey was not present for the vote. City Council moved to have the Mayor sign the contract on behalf of the City.

CITY MANAGER'S REPORT

Landscape Maintenance Request for Proposals

April Fisher gave a brief history of the request for proposal process for Landscape Maintenance services. The City received six proposals. She reviewed all the submittals and identified who resulted as the top candidate based on the evaluation criteria. She recommends that the City award the contract to Dora Landscaping Company for their proposal of \$84,350.00; out of a possible score of 100 they scored 94.

In the memo submitted with the agenda it states if Dora Landscaping is not able to fulfill the contract the next rated firm was Duval Landscaping. She clarified for the record; Duval's contract was not \$92,200, it was \$55,528.00. The correction still kept them in second place.

Comm Lance moved to accept the landscape proposal as submitted from Dora Landscaping.

Comm Nielsen seconded the motion.

Comm Gold asked for the criteria that put them over because their proposal was submitted \$30,000 higher. April Fisher said the criteria that put them over was their project approach. They provided an itemization to be covered and an associated cost. The other company did that as well, however; Dora included a personnel flow chart that identified responsibilities and a printed presentation that identified their communication strategies and project approach,

Comm Lance requests a caveat to the contract to allow the City to reduce the cost for those areas in the City that is maintained by the adjacent property owners.

Comm Nielsen did not accept the change. She believes if the area is on City property the City should cover the maintenance.

Attorney Callan recommended that the agreement to remain the same; adjustments can be made at a later date. Consensus was to leave the contract as presented.

Additionally, Comm Lance and Comm Nielsen included, if Dora Landscaping was not able to fulfill the contract Duval Landscaping could be an automatic backup.

The motion was unanimously approved 6:1. Vice Mayor Readey was not present for the vote.

Charter Review Date

April Fisher stated this may be an agenda item to have with the newly selected City Manager and look at dates starting in April.

In conclusion, April Fisher reported on the Lake Conway Shores drainage improvements. The City met with the residents concerned with the design. FEG revised the plans, per those discussions, and submitted the revisions to Shenandoah Construction. They provided a revised quote of \$3,525 in addition to the original quote of \$14,500. She asked for Council authorization to allow her to approve the quotes presented and have Shenandoah start the work to in one of the pipes along Jade Circle.

Comm Nielsen moved to authorize the City Manager to hire Shenandoah Construction.
Comm Carugno seconded the motion.

MAYOR'S REPORT

- Mayor Pisano reported that the CCA applications are coming in. She asked the deadline for submittals to the CCA Board to be in concert with the City Council dates and the following dates of submittal are as follows,
 - Deadline for submittals to Academica – April 13, 2017
 - Approval of Applications by City Council - City Council Agenda – April 18, 2017
 - Academica Approval – April 26, 2017
- Mayor Pisano stated that the City has budgeted \$70,000 for Bing Grants and it was never decided if the allocation will be by district on first-come, first-serve. She has two communities in need of some of funds to improve their communities. Ms. Fisher said, with Council approval, she will be able to expedite the applications and contact the communities directly. Mayor Pisano gave a brief summary of the Bing Grant criteria. Discussion ensued on the approval process. Attorney Callan recommended that this be placed on the agenda for the following meeting for approval.
- Mayor Pisano said, as we start preparing for the new City Manager, she would like to see the City start the budget process earlier in the year, provide a resident survey to see what the citizens feel is important to them and schedule a strategic planning session for Council discussion.
- Mayor Pisano spoke on feral cats in the Labelle area. She noted that the reason she is involved is because it is becoming a health issue. She spoke of a few options to resolve the issue.
- Mayor Pisano called for consensus on Council attendance at the Canvassing Board meeting on March 14th and March 16th. Comm Weinsier and Comm Lance confirmed their attendance. Comm Weinsier noted that he will not be available on March 16th. Discussion ensued on the process and Attorney Callan stated that he will check with the City Attorney if a quorum is not met and if Comm Gold can participate since he was unopposed for this election.

COUNCIL REPORTS

District 1 – Comm Gold

Comm Gold officially stated, for the record, that he was not opposed to either of the candidates. He apologized if he said anything non-complimentary to the candidates and their family. He clarified that his concern was with the process due to the sunshine law violation. Comm Carugno echoed Comm Gold's comment.

District 3 – Comm Weinsier

- Comm Weinsier spoke on the IT proposal provided by the IT Department to start the transfer of old COBI emails to the new Gmail accounts. Comm Weinsier stated that this is the next step to implement was previously approved by Council.

Comm Weinsier motioned to approve the contract as proposed and start the transfer to the new Gmail accounts.

Comm Nielsen seconded the motion which was unanimously passed

- Comm Weinsier asked for IT to create a short cut to municode on our website and on the Resident brochure for ease of reference.
- Comm Weinsier followed up on the Venetian boat dock discussion. Mayor Pisano stated that Comm Carugno is in contact with the City Attorney and will report at the following meeting.
- Comm Weinsier asked why Patrick Kennedy found out about him not receiving the job by someone reading it on Facebook. Who/Why was staff not directed to notify him about the decision? Discussion ensued.

District 4 – Comm Lance

- Comm Lance reported that he has received request for City license plates. He asked if staff can research the cost to purchase license plates with the City logo to use as gifts or sale to residents.
- Comm Lance spoke briefly on the safety concerns on the "S" curve on Trentwood Blvd. In speaking with the City Attorney they have researched the following process. The process will entail the City abandoning/vacating the right-a-way for public use which will be extended to the adjacent property owners. The adjacent properties will then be required to give their property rights to the Daetwyler Shores Association. The City will propose a single lane road and cover the cost for the repair. Mattamy Homes has offered to place a single arm device to be maintained for one year.
 - Due to the time sensitive project, Comm Lance requested a motion to allow staff to solicit a traffic study for the project. Discussion ensued.
 - Mayor Pisano stated this item will need to be an agenda item for discussion and approval. Consensus was to place the item on the agenda for March 21st.

District 7 – Comm Nielsen

- Comm Nielsen asked for discussion on the locking of the boat docks for the March 21st meeting.
- Comm Nielsen spoke briefly on the wraps used on the Stop Signs throughout the City.

Comm Nielsen motioned to authorize the Police Chief to pursue the grant for the reflective wraps and the Stop signs post in the most critical areas in the City to be determined by the department to not exceed \$1,000.00.

Comm Gold seconded the motion which was unanimously passed.

- Comm Lance spoke briefly of the stop on Gondola Drive and asked what will it take to add a two way stop to avoid any future accidents.
April Fisher stated portions of that street are Orange County and not enforceable by the City. There is a sign that reads, cross traffic; however, not very visible. The Public Works Manager currently placed extra large stops signs to make the signs more visible. Discussion ensued. Consensus was to wait for the Police Chief's return for discussion.

ADJOURNMENT

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

Yolanda Quiceno
CMC-City Clerk