



city council minutes

AGENDA May 3, 2016 * 6:00p.m. City Council Regular Session

Mayor Lydia Pisano	Frank Kruppenbacher City Attorney	Richard Anderson Interim City Manager	Ed Gold District 1	Katy McGinnis District 2	Jeremy Weinsier District 3	Bobby Lance District 4	Harv Readey District 5	Open District 6	Sue Nielsen District 7
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The Belle Isle City Council met in a City Council Regular Session on May 3, 2016 at 6:00p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Mayor Pisano
Commissioner McGinnis
Commissioner Gold
Commissioner Lance
Commissioner Readey
Commissioner Weinsier
Commissioner Nielsen

Absent was:

Open-District 6

Also present was City Manager Richard Anderson, Attorney Kruppenbacher, Chief Ring, Deputy Chief Houston and City Clerk Yolanda Quiceno.

CALL TO ORDER

Mayor Pisano called the meeting to order at 6:30pm.

CONSENT AGENDA ITEMS

- a) Approval of Council meeting schedules: 1st Tuesday and 3rd Tuesday of each month at 6:30pm
- b) Proclamation declaring May 2016 Neurofibromatosis (NF) Awareness Month (*read at the April 5th meeting*), and the lighting of the Nela Bridge in Green and Blue on May 17, 2016.
- c) Proclamation declaring Teacher Appreciation Week May 2-6, 2016

Comm Lance motioned to pull Approval of Council meeting schedules: 1st Tuesday and 3rd Tuesday of each month at 6:30pm from the Consent Agenda for discussion.

Comm Weinsier seconded the motion, which passed 5:1, with Comm Readey nay.

Mayor Pisano stated that the Approval of Council meeting schedules will be moved for discussion between items 8 and 9 on the agenda.

CITIZEN COMMENTS

Mayor Pisano opened for Citizen Comments.

- Dina Goodenow residing at 6416 Gibson Drive, Belle Isle said she ~~has~~ spoke with each Council member regarding Delia Beach. She wanted to apologize for the email she sent prematurely. She stated that she appreciates the efforts to help make Belle Isle and Delia Beach a working and functional storm water area. She is looking forward to having the area continue to be used as a park as well. She commented that it might be helpful for Council to maintain an "Informational electronic board" where updates can be posted for each district in an effort to improve communication. She further noted that this weekend she heard there was an accident on the lake, and asked if the City will-might be able to provide water safety classes and boat safety tips for residents.

- Bruce Mylrea residing 1842 Wind Drift Road, Belle Isle stated that he has been agitating for repaving for years and he appreciates the finished product. It looked pretty good for a couple of days; however, it will not be too long before the pot holes will start again due to the garbage trucks backing up and not turning the tire and wrecking the asphalt. He is wondering if the City will be able to speak with the drivers.

City Manager Richard Anderson is in communication with Seminole Paving and he was advised that it takes approximately a month for the asphalt to cure. They will be returning to the identified areas to repair any damage.

- Karl Shuck residing at 1658 Wind Willow Road, Belle Isle addressed the East Wallace property. He shared his concerns regarding the proposed contract and the many blanks in the approved contract. The other concern is the verbiage in Part 8(2) of the contract which speaks to the Feasibility Study, amount of time it was proposed and the Council vote. He is curious how much of a study the City actually performed. Mayor Pisano said, with Council recommendation, the City did go back with a special addendum contingent to a Phase 1 Environmental Study and a Phase II if needed, after the fact, until approval by Council.

He further shared his concern with the incremental rent fund being used for the purchase of the property and may fears it may put the City in a negative position should major repairs arise.

Mr. Shuck further noted that in the Belle Isle Sun, written by Comm Weinsier, stated that no monies from the General Fund will be used for the purchase; however, it did not say where the money was coming from. Since the article was written by a Commissioner he believes the entire story should be told.

He further noted-asked if the minutes for the previous meeting will be forthcoming on the Consent Agenda.

- Tony Carugno residing at 2372 Hoffner Avenue, Belle Isle spoke on the following items for the record,
 - In the past two weeks there were two accidents on the lake and is in agreement with having a Marine Boat and Safety Class.
 - He spoke of the speeders on the road in his area, and addressed the high speeds by vehicles near the yellow flashing light on Hoffner. He wondered if the light can be placed closer to the bridge to slow them down sooner.
 - He spoke to the quick decision making for the purchase of the property and residents concerns.
 - He spoke to complaints from residents on Homewood regarding the lights off of the Bee Line. Mayor Pisano noted that the lights were temporary during construction and has been removed.
 - He spoke of an initiative by the FAA (OAPM: *Optimization of Airspace, Procedures of Metroplex*) that will modernize the air space through Cities to have more direct readings. The City must remain on top of the initiative.
 - Mr. Carugno addressed the serious storm water issues in his neighborhood. The last rain flooded the yards and garages in his neighborhood and is asking the City for a permanent fix. Comm Lance stated that he has a similar problem at Daetwyler Shores. Mr. Anderson said he will have someone look at the area.
- Sarah Goodwin residing at 4324 Kandra Court, Belle Isle said that she would like Council to consider Code Enforcement on Saturdays. She has a safety issue with habitual garage sales, illegal parking and fixing of vehicles in her neighborhood that needs to be addressed.
- Joyce Erickson residing at 5509 McCawley Court spoke of the paving of McCawley Court. She has been trying to have the street paved since she has moved to the area and hopes that something can be done. She further shared that there are a group of five jet skiers on the lake, Friday afternoons and on the weekends, which are going to eventually kill someone on the lake. She wishes that the police patrol can stop them before someone gets hurt.
 - Mr. Anderson said that McCawley Court was looked at as part of the current paving; however, there was not enough milling asphalt left over. He is meeting with the paving company and will try to re-schedule and get a cost the street for the next phase.
 - Chief Ring reported on lake safety issues and reported that, in partnership with Gary Meloon they will be providing a Boating Safety Course. Chief Ring thanked Mr. Meloon for the donation of the Jet Ski for the use by the Belle Isle Marine Patrol.

- o Gary Meloon residing at 6101 Matchett Road, Belle Isle said in conjunction with the Belle Isle Police Department, Southeast Marine is putting together the first Free Boat Safety Course and will take the first 25 Belle Isle Residents who register. If there are more that register they will set up an additional course in the near future. The City will send an e-lert to RSVP.
- o Bridgett ~~Hayes-Haig~~ residing at 6509 Matchett Road, Belle Isle addressed bicycle safety and pedestrians on the road.

There being no further comments, Mayor Pisano closed the citizen's comments session.

SPECIAL RECOGNITION OF CORNERSTONE CHARTER SERVICE LEARNING CLUB

Mayor Pisano presented and recognized the following students for earning the Silver Award in the Jefferson Awards competition and making Cornerstone a Service Leadership Banner School; Lionell Wright, Celeste Bonta, Christina Sarkis, Alysa Osborne, Michael Padilla, Chloe Joynes, Isaac Bridges and Linda Reyes, Teacher.

ORDINANCE NO. 16-06 FIRST READING AND CONSIDERATION

AN ORDINANCE OF THE BELLE ISLE CITY COUNCIL REPEALING CHAPTER 2 ADMINISTRATION, ARTICLE II COUNCIL, DIVISION 2 MEETINGS, SECTIONS 2-53, AND AMENDING CHAPTER 2, ARTICLE II, SECTION 2-51, PROVIDING SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

**Comm Nielsen moved to advance to second reading.
Comm Lance seconded the motion.**

Discussion ensued. After discussion Comm Lance withdrew with second.

Comm Gold asked for clarification of Ordinance No 16-06. City Manager Anderson said this ordinance repeals the workshop sessions and will establish the regular meetings as the first and third Tuesday of each month allowing City Council to conduct business at each meeting commencing at 6:30pm.

Comm Weinsier said the Ordinance will not take effect until voted on. Council will have to vote for a special meeting on May 17, 2017, which is what Comm Lance has an issue with, not the ordinance. Mayor Pisano said she will make sure not to have the hotel issue on the agenda. Comm Lance said he has several issues with the May 17, 2016 meeting date.

Comm Weinsier seconded the motion which passed unanimously.

ATTORNEY'S REPORT

Attorney Kruppenbacher reported on the Charter School and said that he represents the City, and cannot represent the Charter School on the issues that have surfaced. He emphasized that the City is blessed to have a school and it does not happen without a community. What has developed is two views regarding maintaining the school as a truly community engaged school. He spoke of the initial process from 2008 through the present on obtaining the charter school within a municipality. The City creates the Charter School with the Orange County School Board (OCSB) as the sponsor and the City is the landlord.

On March 23, 2010 the OCSB approved ds a charter contract for K-8 and 9-12. ~~He and speaks discussed to~~ the application, contract and the by-laws approved by the founding Charter School Board of Directors. Attorney Kruppenbacher stated that Academica, by contract, is required to send a 30-day notice of a meeting change to the sponsor.

In September 2015, they changed the meeting date to a different date. ~~which his~~ complies with the state sunshine law however; they cannot provide that they gave a 30-day notice to Orange County Public School. At the September meeting they modified the by-Laws and changed the composition ~~lexity~~ of the board.

What we have, and ~~what-I~~ hope, is that we all want what is best for the school. However, there are always people with political agendas. He said that he does not believe that they properly changed ~~the modification of~~ the By-Laws. He has asked for, what are the term limits to these board members, and as of right now he does not have an answer. He believes the goal and intent of the Council members who have contacted him, individually, is to ensure that the school truly stays ~~as~~ a community engaged school, as intended from the beginning.

Attorney Kruppenbacher said the most prudent approach is to have City Council give him authorization to draft a letter that the Mayor will send on Council's behalf, to the sponsor (Charter School Board), which states that they believe the ~~contract does governing board did~~ not comply with the rule to ~~receive give 30 day~~ -notice. It is Council's goal, as evidenced in the ~~founding documents~~, that they want a very community engaged school. ~~There is no history of this Council inserting themselves, asks and ask~~ that the ~~Orange County School Board not accept the change made at the improperly noticed Governing Board meeting in September 2015, enable the Board, without the benefit of the City Council to be involved.~~ It is their intent to ~~work with OCPS, City Council and the Governing Board have an an~~ appropriate resolution with the future of the community schools interests ~~protected~~.

Comm Nielsen motioned to have the City Attorney draft a letter authorizing Mayor Pisano, on behalf of the City, to send a letter to articulate the various reasons why they would ask the School Board not to accept the change by agreeing that the notice was not given.

Discussion ensued. Comm Gold seconded the motion, which passed unanimously.

Attorney Kruppenbacher stated that once the letter is drafted he will provide a copy to Council for review. Council should only reply to him to avoid any sunshine violation.

Mayor Pisano asked if the incremental funds may be used for anything else other than school construction. Attorney Kruppenbacher said the City receives the rent for the lease agreement. The City has the authority, at that point, within the law, to use on A or B. He stated that it is important that City staff continue to have a handle on the building maintenance.

CITY MANAGER'S REPORT

Mr. Anderson introduced Robyn Winters, Code Enforcement Officer who presented on the Code Enforcement process.

- Robyn Winters provided an overview on the code enforcement purpose to promote, protect and improve the safety, health and welfare of our city. She discussed voluntary compliance,
 - Enforcement and Florida Statute 162
 - Methods used by Code Enforcement
 - Plain view violations and the violation process
 - Notice of Hearings and Special Magistrate

Mr. Anderson introduced April Fisher to provide an update with the code revisions.

- April Fisher reported that she had her first meeting with the Planning & Zoning Board last week and reviewed several of the issues with recommendation for approval by Council. After discussion with the City Manager, along with providing the Board's recommendations, she also envisioned having a workshop setting where she would provide a site plan review process for ~~review by Council review~~ and action if approved. The Planning & Zoning Board will continue to go through the code and present recommendations to Council to adopt the changes through an ordinance. She will work with the City Manager to schedule possible dates for a workshop to start the process.

~~Mr. y~~ Anderson said the intent of this process is to have City Council more engaged with ~~development of~~ the resident component and commercial site plan process as we move forward.

Mr. Anderson opened discussion for approval of the City Manager's position description provided by the Consultant and recommended the following two minor revisions; (1) as it relates to the minimum requirements, he recommended adding, "or an equivalent combination of education and experience." This will allow for more flexibility as we move through the process; and (2) possession of a valid driver's license to be obtained within 90 days of employment, just in case they are coming from out of state.

Comm Lance asked if it can require that the applicants have ICMA Certification or to be obtained within 30 days.

Comm Nielsen said she would like them to already have the ICMA certification. ~~She noted that she would not want to be "too loose" with the minimum requirements.~~ Discussion ensued.

Comm Readey motioned to approve the job description as presented.

Comm Nielsen seconded the motion.

Mayor Pisano opened for Council discussion.

Comm Nielsen noted that there is no substitute for a college degree and the job description should include a major in a field related to city government. In her research for City Managers in the State of Florida, she did not find any that did not have at

least a Bachelors' degree. Except for Belle Isle.

Comm Weinsier stated that we should ~~it~~ require a Bachelors Degree but include the equivalency language.

Comm McGinnis said experience is very important and believes the description should be broad to allow the City to receive the very best, with education and experience. ~~Discussion ensued.~~

Mr. Anderson said Council can approve as presented. If the City does not receive qualified applicants then it can be re-advertised.

Chief Ring stated that 90 days to obtain a Florida Drivers license will be a violation of State Statute. Mayor Pisano said they will use 90 days to allow out of state residents time to obtain if offered employment.

Comm Lance said what in the world does a four year education have to do with someone's ethical background or on how they run a business. The City will miss out on ~~screening~~ good applicants if the job description it is not broad enough.

Comm Readey ~~amended~~ restated his motion to approve the ~~amended~~ job description with the minimum requirements to include,

- ICMA Certification required
- Bachelors Degree or higher from an accredited college university with a major in business or public administration or related field, plus five years of experience in progressively responsible management in local government, or a combination of education and experience.
- Possession of a valid Florida Drivers License to be obtained within 90 days of employment

Comm Nielsen seconded the ~~amended~~ motion, which was unanimously approved.

Mr. Anderson said the City will place with the Florida League of Cities website and on-line. He recommends not going with the local newspaper.

Mr. Anderson spoke to Cody & Associates salary survey recommendation packet provided to Council. The average City Manager salary for Cities with our population shows the average as \$122,429, med \$118,246 with a range from \$86,598 up to \$175,326. The ICMA reports an average salary of \$214,000 with a med of \$101,644. He referred to the information that was provided in the packet and recommends that Council follow the same pay scale compensation for the City Manager. The scale allows for growth within the pay range. He recommends that the City start with a range of \$95,000-\$142,500, and a mid range of \$118,750. If paid at the top of the pay range there will not be enough room for growth; and will eventually lead to a disgruntled employee because they will not be receiving any pay increases.

Mr. Anderson said at this time he can adequately speak to the salary range. He noted that the City previously had all their eggs in the City Manager basket. He is not being critical of previous administration; however, it makes for a better process if the City Manager's position is separate from Planning & Zoning, and ~~can~~ not be one and the same. He has been engaging April Fisher with more of the Planning and Zoning projects. He does not believe there is enough work for a full time Planning & Zoning person.

After discussion, Comm Lance moved to accept the recommendation presented for the City Managers salary starting at \$95,000 and capping at \$142,500. Comm Readey seconded the motion.

Mayor Pisano opened for discussion.

Comm Weinsier stated that the residents have shared their concern with the starting salary. He feels the \$142,500 is too close to the number they are uncomfortable with, and would prefer a cap of \$95,000 through \$135,000 with a med of \$115,000.

Mr. Anderson responded that \$142,500 is the maximum cap. He is recommending that increases be given over time and suggested that the min. and max. pay rate percentages be in line when giving cost of living increases. He stated that most of the existing employees do fit into the pay rate recommendations provided in the study, with room for and allows for growth. Discussion ensued.

Comm Lance amended his motion to include a cap of the City Manager's starting salary to \$118,750.

Comm Readey seconded the amendment which was unanimously approved.

Mr. Anderson spoke to the classification study survey and stated that within the plan there are no existing employees at the maximum range. He provided two options and recommended approval of Alternative A which adopts the pay rate and salary schedule as recommended in the report. He will adjust the salary of the employees that fall below the required minimum rate, which is a couple of the Police Officers. There is no one over the maximum range so we will not be freezing any salaries. Approval

of the study will not hold up the posting of the City Manager position.

Comm Lance requested a continuation to the next meeting to review the compensation survey document in its entirety. Council was in agreement to continue discussion and approve for the following Council meeting.

Mr. Anderson reported that the City has applied for a grant for Delia Beach/Gene Polk Park with St. Johns. He met with a number of citizens and Council members and has a plan to move forward.

Comm Lance stated that the Conway NAV Board and the previous administration did not mesh. He believes that now they will and there is no reason why the City cannot go back and request matching funds for the project. Mayor Pisano said she will be attending the NAV meeting on May 10.

Mr. Anderson recommended, for future discussion, that the City place \$100,000 in reserves for the Neighborhood Grant Fund. The fund will be administered by Council and is a way to invest back into our City. Mayor Pisano stated that it is a great program and a great way to give back to the residents. Discussion ensued on association and individual applications.

MAYOR'S REPORT

- Mayor Pisano opened for Vice Mayor Election. She stated that Comm Readey reached out to her before the Attorney's position on the Sunshine Law.

Comm Nielsen nominated Comm Readey for Vice Mayor.

Comm Weinsier seconded the motion which was unanimously approved.

- Mayor Pisano reported that she has been re-appointed for a different Committee on MetroPlan and has an opening for the Technical Advisory Committee. Comm Readey ~~agreed-volunteered~~ to be on the Committee, ~~and confirmed his attendance on Friday, May 27 at 10:00am.~~
- Mayor Pisano stated that City Attorney Kruppenbacher received an opinion, which stated that the Mayor should uphold the Sunshine Law. All agenda items requested by Council should be forwarded to the City Manager.
- Mayor Pisano opened for discussion on the Council meeting schedule. She has been informed that Council cannot change the meeting of May 17, 2016 because Mattamy Homes is on the agenda, and Noticed to the County. Comm Lance shared his concern with the meeting date, and stated that he will be out of the country. Attorney Kruppenbacher said it will be First Reading.

Comm Lance said the reason he has an objection is because he previously sent his schedule to the Mayor and she assured him that there will be no meetings scheduled. The other issue is that it is in his district and he is very passionate about his job on Council. He stated that in the last meeting the City Attorney said that we could not have a meeting on the 17th. He believes Council should wait to hear this case. Mayor Pisano said there was Council consensus at the previous meeting to having a meeting on May 17.

Attorney Kruppenbacher said his recollection is that the hotel was not going to be advertised on the agenda. After discussion, he clarified the process of First Reading and stated that Second Reading is the substantive meeting where Council hears public comment.

Comm Lance stated that Mattamy Homes stated for the record, that they promised the County Commissioner that there will be no cut through traffic onto Daetwyler Shores just in case they reneged at this meeting. Attorney Kruppenbacher said nothing can be voted on at this meeting that can bind this City other than to have a second public hearing. Comm Lance also noted that he is working with the County to look at the traffic signal on McCoy and Daetwyler Drive. In the event there is no practical engineering way to stop the cut through traffic, then there needs to be another egress and he will request that they furnish his neighborhood an entry gate.

Attorney Kruppenbacher asked the City Clerk to remind staff that it is only first reading, and nothing should be interpreted as agreeing to anything regarding cut through traffic.

Mayor Pisano stated that it will be a First Reading only.

Comm Lance stated for the record that he would not want the 13 homes or the proposed hotel to be placed on the agenda in his absence.

Comm Weinsier motioned to approve moving the City Council meetings to the first Tuesday and third Tuesday of the month starting at 6:30pm. Comm Lance seconded the motion which passed unanimously.

ITEMS FROM COUNCIL

- Vice Mayor Readey – District 5

Vice Mayor Readey provided a brief history and presentation on the roundabout on the corner of Lake/Nela/Overlook. The original plan included a fountain; it was not completed so a tree was placed in the interim. He always thought that the area across the Nela Bridge is really laid back and would like to add a theme of children playing in Belle Isle. He provided a few examples for Council consideration and estimated about \$20,000 to complete the project.

- Comm Gold – District 1

~~-Comm Gold asked for an update on the tagged pipe at the Charter School. Mr. Anderson said it was a back flow device that is used for the sprinkler system. Comm Gold stated that the community needs to know that the line is not compromised.~~

~~-Comm Gold thanked the Mayor, Mr. Anderson and Dwayne for their efforts in assisting with the flooding at Lake Conway Shores. Comm Nielsen said there is a report that states that the pipe at Lake Conway Shores is not the right size, it is smaller and if we continue to have problems it should be corrected to avoid drainage issues.~~

- Comm Nielsen – District 7

-Comm Nielsen opened discussion on the open District 6 seat. She suggested having a mail ballot to be sent to the addresses in the district. Mayor Pisano said she would be willing to walk around her district and handout the applications.

- ~~Comm Gold – District 1~~

~~-Comm Gold asked for an update on the tagged pipe at the Charter School. Mr. Anderson said it was a back flow device that is used for the sprinkler system. Comm Gold stated that the community needs to know that the line is not compromised.~~

~~-Comm Gold thanked staff for their efforts in assisting with the flooding at Lake Conway Shores. Comm Nielsen said there is a report that states that the pipe at Lake Conway Shores is too small and should be corrected to avoid drainage issues.~~

- Comm Weinsier – District 3

-Comm Weinsier requested discussion and approval of the Rosenberg's Rules of Order at the next meeting.

-Comm Weinsier asked that the City move to Google Apps and will be scheduling a meeting with Mr. Anderson.

ADJOURNMENT

There being no further business, Mayor Pisano called for a motion to adjourn, unanimously approved at 9:45pm.

Yolanda Quiceno
CMC, City Clerk