

CITY OF CLEWISTON
Regular Commission Meeting
April 16, 2012

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, April 16, 2012. The meeting was called to order at 6:00 p.m. by Mayor Richard Miller. Pastor Alan Koch gave the invocation and the audience recited the Pledge of Allegiance.

Attendance:

Commissioners Present: Mayor Richard Miller, Commissioner Mali Gardner, Commissioner James Pittman and Commissioner Julio Rodriguez. Commissioner Joseph Miller was absent.

Personnel Present: Finance Director Ted Byrd, Police Chief Don Gutshall, Utilities Director and Acting City Manager Kevin McCarthy, City Clerk Marilyn McCorvey, Golf Course Director Adolfo Pena, City Engineer Tommy Perry, Recreation Director Lance Ramer, Community Development Director Travis Reese, Public Works Director Sean Scheffler, Library Director Eric Tommerdahl, City Attorney Charles Schoech, Karen Moore, Andre Taylor and Debbi Towner.

Visitors Present: Trish Adams, Jeff Barwick, Jerry Cochrane, Diane Denault, Beverly & Ron Dierks, Bev Eaves, Terry Gardner, Asa & Betty & Godsey, Denise Hatton, John Hicks, Christine Howell, Donald Hughes, Johanna Huss, Joan & Alan Koch, Mark Lapp, Linda & Dennis Mann, Paula Pittman, Sherida Ridgill, Francis Spry, and John Wellslager.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA – None

PUBLIC COMMENTS

Jerry Cochrane came forward to speak and stated every month he comes to the commission meetings and hears the Commission talk about the budget. He stated he was dismayed to see the picture of the City Manager and Utility Director in the Clewiston News in Washington, D.C. Mr. Cochrane stated he did not know how much money was spent on the trip or why they went on the trip, but it sent a bad message to the tax payers and he feels it was completely inappropriate. He stated he has heard that we don't have money for recreation and other things but have the money to send personnel to Washington.

Pastor John Hicks came forward and stated he had missed the deadline to put in an Event Application for the National Day of Prayer on May 3 at noon at the Civic Park. The Commission agreed the event could certainly go on. Pastor Hicks also stated he is proud to be a part of this City and witnesses things done here every day that are not possible in other places.

1. Consent Agenda

- A. *City Commission Workshop Minutes – March 15, 2012*
- B. *City Commission Regular Meeting Minutes – March 19, 2012*
- C. *Proclamation – Water Conservation Month*

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve the Consent Agenda. Vote 4 yeas, 0 nays. (Commissioner Joseph Miller was absent)

Public Hearings

- 2. Variance Application for Faith Lutheran Church** – Mayor Miller opened the Public Hearing by stating the purpose of the public hearing is to discuss and accept input from all interested parties relative to a Variance Request for Faith Lutheran Church and asked anyone who wished to speak to come forward and state their names and address. Acting City Manager McCarthy stated the issue before the Commission is to consider a Variance Request for Faith Lutheran Church to reduce the minimum side setback standards for property located at 810 Cedar Street. The Church would like to enlarge their fellowship hall on the north side of the building. Official notice of this public hearing was advertised in the Clewiston News on March 22, 2012. No one came forward to make comments. Mayor Miller closed the Public Hearing.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the Variance Application for Faith Lutheran Church. Vote 4 yeas, 0 nays. (Commissioner Joseph Miller was absent)

3. **Variance Application for Covenant Land Development, Inc.** Mayor Miller opened the Public Hearing by stating the purpose of the public hearing is to discuss and accept input from all interested parties relative to a Variance Request for Covenant Land Development, Inc. and asked anyone who wished to speak to come forward and state their name and address. Acting City Manager McCarthy stated the issue before the Commission is to consider a Variance Request for Covenant Land Development to reduce the minimum lot area and minimum lot width standards for property located at 341 W. Crescent in order to construct two single family homes. Official notice of this public hearing was advertised in the Clewiston News on March 22, 2012. Mayor Miller closed the Public Hearing.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to approve the Variance Application for Covenant Land Development. Vote 3 yeas, 0 nays. (Commissioner Joseph Miller was absent and Commissioner James Pittman abstained)

4. **Special Exception for Wayside Park – 901 N. Francisco Street** – Mayor Miller opened the Public Hearing by stating the purpose of the public hearing is to discuss and accept input from all interested parties relative to a Special Exception Request for Wayside Park and asked anyone who wished to speak to come forward and state their name and address. Acting City Manager McCarthy stated the issue before the Commission is to consider a Special Exception Request for County owned property located at 901 N. Francisco (Wayside Park) to allow the property to be used as an RV Park. Official notice of this public hearing was advertised in the Clewiston News on March 22, 2012. The Commission discussed the need for a buffer between the R.V. Park and Bass Capitol condominiums. County Attorney Mark Lapp, asked for some clarification on the buffer and bringing the current buildings and park up to code. The Commission instructed Mr. Lapp to discuss these with Community Development Director Reese. Mayor Miller closed the Public Hearing.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve the Special Exception for the property located at 901 N. Francisco Street with the following provisions: 1.) permanent model not to exceed 40 feet in length and meet residential landscape codes, 2.) a vegetative buffer should be placed on the Bass Capital side within 90 days after the start of the lease of the property, and 3.) all existing buildings and structures in the park be brought up to property maintenance standards. Vote 4 yeas, 0 nays. (Commissioner Joseph Miller was absent)

5. **Ordinance No. 2012-01** – Mayor Miller opened the Public Hearing by stating the purpose of the public hearing is to discuss and accept input from all interested parties relative to Ordinance No. 2012-01 asked anyone who wished to speak to come forward and state their name and address. Acting City Manager McCarthy stated the issue before the Commission is to consider Ordinance No. 2012-0. ACM McCarthy stated this ordinance will amend or repeal certain provisions of the current CPID Commerce Park Industrial District. ACM McCarthy read Ordinance No. 2012-01 by title and stated official notice of the public hearing was advertised in the Clewiston News on March 22, 2012. Mayor Miller closed the Public Hearing.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve Ordinance No. 2012-01 on first reading and set the second public hearing for May 21, 2012. Vote 4 yeas, 0 nays. (Commissioner Joseph Miller was absent)

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

6. **Clewiston High School Project Graduation Request for Funding** – The City budgeted \$1,000 for this event for graduating seniors.

Commissioner Pittman made a motion, seconded by Commissioner Rodriguez, to approve a donation of \$1,000 to Project Graduation. Vote 4 yeas, 0 nays. (Commissioner Joseph Miller was absent)

7. **Discussion of Tracy Bethea Code violation Located at 923 North Berner Road**– Mr. Bethea replaced a carport located at 923 N. Berner Road. Code Enforcement opened a violation case against Mr. Bethea in December 2011 as the carport is located entirely on a City right-of-way. Mr. Bethea came to the Commission in January to plead his case before the Commission. Acting City Manager McCarthy stated the Commission instructed staff to look into options and there are two problems with the structure. The first is that it is on City property and second, the size of the structure is larger than allowed by ordinance.

Mr. Bethea came forward and stated that he would like to keep the structure where it is, but he will abide by the Commission's decision. Mr. Bethea stated that former City Manager Pittman had told him he could fence the property and use the property like it was his and he had to maintain it like it was his. Mayor Miller stated this is not an easy issue. Commissioner Pittman stated the property is unique and we did allow another property owner put a fence on her property with stipulations. Commissioner Rodriguez stated that he did not support the agreement for the carport to remain on the property.

Commissioner Pittman made a motion, seconded by Commissioner Gardner to approve allowing Mr. Bethea to keep the carport on City property with the following provisions: 1.) a non-assignable license be entered into and renewed yearly, with an insurance policy, naming the City as additional insured, kept on the structure 2.) adequate utility truck access between the carport and canal bank 3.) payment for the repair of the utility line 4.) hold harmless for the City and City equipment, 5.) secure a permit for the structure and pay any penalties that apply 6.) continue to maintain the City property all the way to the canal 7.) a letter from the Clewiston Drainage District that the hedge and trees can remain on the property. The fee for the license set at \$1000.00 Vote 3 yeas, 1 nay. Commissioner Rodriguez voted nay and Commissioner Joseph Miller was absent.

8. **Discussion on Recreation Department Summer Camp and Swimming Pool Rates** - Acting City Manager McCarthy stated we need Commission approval for rate changes for summer camp and pool parties. The Commission discussed the rates and stated they would like for the Recreation Board to look at some of the changes discussed for cost cutting measures at the pool.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the rate for summer camp at \$120 per session, pool party rate of \$120, and general admission to the pool \$3.00 per person. Vote 4 yeas, 0 nays. (Commissioner Joseph Miller was absent)

9. **Departmental Monthly Activity Reports** – Presented for information only.

FINANCIAL REPORT FROM THE FINANCE DIRECTOR – Finance Director Byrd stated we are within our budget for the first 6 months of the fiscal year.

REPORTS FROM CITY MANAGER – None

REPORTS FROM THE CITY ATTORNEY – City Attorney Schoech stated the Charter Review Committee had their first meeting and he felt it was very productive. The meeting went well with good discussion on the issues of the Charter revisions. The next meeting of the Charter Review Committee will be Tuesday, April 24, at 5:00 p.m.

REPORTS FROM THE CITY COMMISSION – Commissioner Gardner stated she appreciates the hard work city staff puts in for Sugar Festival and felt it was a very positive event. She would like an update on the East County Rec for the next workshop and would like to see written procedures for when temporary occupational licenses move to permanent. Commissioner Gardner would also like an update on the Broadband Grant.

Commissioner Pittman asks that staff investigate a non-smoking policy for the city that includes vehicles and all City property. He also commented on the great job at the Sugar Festival.

Mayor Miller thanked City staff for their work at Sugar Festival and also volunteers at the Spring Cleaning event. He reminded the audience to thank the Sugar Festival committee when you see them. There will be a Southwest Florida Regional Planning Council meeting on May 3 at the John Boy Auditorium.

Adjournment:

The meeting was adjourned at 7:10 p.m.

Richard Miller, Mayor

Marilyn McCorvey, City Clerk