

CITY OF CLEWISTON
Regular Commission Meeting
October 15, 2012

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, October 15, 2012. The meeting was called to order at 6:00 p.m. by Mayor Richard Miller. Mayor Miller led the audience in the Lord's Prayer and the Pledge of Allegiance.

Attendance:

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

Personnel Present: Finance Director Ted Byrd, Police Chief Don Gutshall, Utilities Director Kevin McCarthy, City Clerk Marilyn McCorvey, Recreation Director Lance Ramer, Golf Course Director Adolfo Pena, Community Development Director Travis Reese, Public Works Director Sean Scheffler, City Attorney Charles Schoech, and Karen Moore.

Visitors Present: Jerry Cochran, Terry Gardner, Asa & Betty Godsey, Denise Hatton, Christine Howell, Donald Hughes, Jim LaRue, Reva Marshall, Amy McKown, Curtiss Pullen, Mercedes Vary and John Wellslager.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA – City Manager McKown asked that Resolutions 2012-12, 2012-13, and 2012-14 be added as agenda items numbers 9, 10 and 11. He further asked that the sewer agreement transfer from Easy Life Subdivision to Clewiston RV Resort, LLC be added as agenda item 12 and the Event Application for the Homecoming Parade be added to the Consent Agenda as Item 1-H. The Commission agreed to the additions.

PUBLIC COMMENTS

Melvin Rosen of 720 E Avenida del Rio came forward to speak about the modular home that was being placed on Concordia Avenue. Mr. Rosen felt the home was a mobile home. Community Development Director Reese stated that the home is a DCA approved modular home, and it is properly permitted. City Attorney Schoech stated that modular homes are built off site but are engineer approved and the State law allows them, and the City has no ability to forbid them because the home is subject to State law, and if it complies, the City has no choice but to allow it. Commissioner Gardner stated that the home looks exactly like a mobile home. Mr. Reese explained how the home will be sitting on the stem wall foundation. Mr. Reese further stated that the siding will be taken off the home, and it will have a stucco finish. Commissioner Rodriguez stated that the home looks like a trailer. Mr. Schoech stated there is a huge difference between a trailer and a modular home. The modular home may be undesirable, but if it is a modular home, it is legal. Commissioner Joseph Miller asked what the distinction was between a trailer and a modular home. Mr. Reese explained that a mobile home is built to a lesser standard. Mr. Reese stated that a mobile home is licensed, like a vehicle, but a modular home is taxed just like site-built homes. Commissioner Pittman stated that this lot does not require a variance, so the Commission cannot put a caveat on it. Mr. Schoech and Mr. Reese will look further into this issue.

1. Consent Agenda

- A. *Special City Commission Meeting Minutes – September 11, 2012*
- B. *Tentative Budget Hearing Minutes – September 13, 2012*
- C. *City Commission Workshop Minutes – September 13, 2012*
- D. *City Commission Regular Meeting Minutes – September 17, 2012*
- E. *Final Budget Hearing Minutes – September 24, 2012*
- F. *Event Application – Chamber Business Bash*
- G. *Proclamation – Journey Stories Days*
- H. *Event Application – CHS Homecoming Parade*

Commissioner Gardner made a motion, seconded by Commissioner Pittman to approve the Consent Agenda. Vote 5 yeas, 0 nays.

PUBLIC HEARING

2. **Amendment to Comprehensive Plan and Rezoning of Two Lots** – Mayor Miller stated the purpose of the public is to discuss and accept input from all interested parties relative to the Florida Community Health Centers, Inc. request for a Small Scale Amendment to the Comprehensive Plan in order to rezone two lots located in Block 451 (#1 and #18) on the Future Land Use Map from multi-family to commercial to expand their parking lot. City Attorney Schoech swore in Jim LaRue to speak on the matter. City Manager McKown summarized the request by stating the issue before the Commission is to consider Florida Health Center's request for a Small Scale Amendment to the Comprehensive Plan in order to rezone two lots located in Block 451 on the Future Land Use Map from multi-family to commercial in order to expand their parking lot. Official notice of this public hearing was advertised in the Clewiston News on September 20, 2012. Mr. LaRue came forward and stated that the City's Planning & Zoning Board had approved this request. He further stated that this amendment does not require review by DEO. Mayor Miller closed the public hearing.

Commissioner Gardner made a motion, seconded by Commissioner Pittman to approve the Small Scale Amendment to the Comprehensive Plan and the rezoning of two lots located in Block 451 on the Future Land Use Map from multi-family to commercial. Vote 5 yeas, 0 nays.

ORDINANCES

3. **Ordinance No. 2012-03 – First Reading** – Approval of this ordinance is needed to finalize the amendment to the Future Land Use Map of the Comprehensive Plan to complete the Florida Community Health Centers, Inc. request. City Manager McKown read Ordinance 2012-03 by title.

Commissioner Pittman made a motion, seconded by Commissioner Gardner to approve Ordinance No. 2012-03 on first reading and set the public hearing on November 19, 2012. Vote 5 yeas, 0 nays.

4. **Ordinance No. 2012-04 – First Reading** – Approval of this ordinance is needed to finalize the amendment to the official zoning map by rezoning two lots of real property located in Block 451 from two-family residential use to commercial use. City Manager McKown read Ordinance No. 2012-04 by title.

Commissioner Gardner made a motion, seconded by Commissioner Pittman to approve Ordinance No. 2012-04 on first reading and set the public hearing on November 19, 2012. Vote 5 yeas, 0 nays.

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

5. **Purchase of Altec Mini Digger Derrick** - This digger derrick was approved as a line item in the 2012-2013 Electric Department budget. The reason this unit is being requested early in the budget year is the Tier IV engine emission standards go into effect in 2013 which will increase the price of the unit and will create a 4 – 6 month delivery lead time. Utilities Director McCarthy stated that Altec will honor the price that was given to the City of Lake Worth if the Commission desires to piggyback on that bid. Commissioner Rodriguez stated that he wanted to see what this piece of equipment would do and he found out it is a specialty piece of machinery that will enable us to get into some places that we have trouble servicing at this time. His problem is the price of the machine. Commissioner Rodriguez stated he does not feel good about purchasing a piece of equipment that may sit at the shop a lot and therefore, he will not support this purchase. He asked if we might be able to lease this machine. City Manager McKown stated that this machine will be primarily used for pole replacement and that this machine will get into places that we currently can't get into with our trucks without tearing up the grass, fences, etc. Mr. McCarthy stated that we need to replace poles as we have some that are literally held up by the wires in places we cannot presently service. This piece of equipment will be used on a weekly basis and he estimates that the machine will last approximately 15 years. Commissioner Rodriguez stated we love to spend money and at some point, we have to decline some requests. He stated he felt the City balanced its budget on the backs of its employees and citizens and he is not proud of it. Commissioner Pittman stated that he trusts the Utility Director's judgment and if he thinks it will be cheaper in the long run to purchase the equipment to help with the pole replacement, he believes it.

Commissioner Pittman made a motion, seconded by Commissioner Joseph Miller, to approve the purchase of the Altec Mini Digger Derrick and to piggyback on the City of Lake Worth bid. Vote 4 yeas, 1 nay. (Commissioner Rodriguez voted nay)

6. **Revisions to City's Drug Free Workplace Policy** – Compliance Manager Lynne Mila has identified a section of our Drug Free Workplace Policy that needs amending. The new language is specific to our employees that hold CDL licenses and is required by federal law.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve the amended City Drug Free Workplace Policy, contingent upon review and approval of City Attorney Schoech. Vote 5 yeas, 0 nays.

7. **Right of Entry – Florida City Gas** – This agreement grants Florida City Gas permission to access a portion of property for the purpose of performing certain activities for the installation of the pipeline. Eventually, this piece of property will be transferred to Florida City Gas for private utility use. Mark Seagrave of Florida City Gas came forward and stated that the City Attorney had some concerns about the initial agreement and their attorney has discussed this with Mr. Schoech, and he believes they have come to an agreement on the language. Mr. Seagrave stated that everyone in the City and County have been very accommodating to them and this location is the best available. Mayor Miller asked about the safety of the station. Mr. Seagrave assured us the station is constantly monitored and there will be a fence around it. He stated the stations are in public areas all over the State. The stations are inspected by the Public Service Commission and Department of Transportation yearly. Mr. Seagrave stated they will do some joint training with the First Responders and safety is a priority for Florida City Gas. City Attorney Schoech stated he has had discussions with the Florida City Gas attorney and recommends proceeding with the Right of Entry Agreement, contingent upon legal review and approval.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the Right of Entry Agreement for Florida City Gas and authorize the Mayor to sign, contingent upon legal review and approval. Vote 5 yeas, 0 nays.

8. **Departmental Monthly Activity Reports** – Presented for information only.
9. **Resolution No. 2012-12** – This is the authorizing resolution for the Honeywell financing. City Manager McKown read Resolution No. 2012-12 by title. City Attorney Schoech stated this resolution should be contingent upon legal review and approval.

Commissioner Pittman made a motion, seconded by Commissioner Joseph Miller, to approve Resolution No. 2012-12, contingent upon legal review and approval. Vote 3 yeas, 2 nays. (Commissioner Gardner and Commissioner Rodriguez voted nay)

10. **Resolution No. 2012-13** – This resolution authorizes the sale of property to All Juices and authorizes and directs certain officials of the City to take all appropriate action required to effectuate and close on the sale. City Manager McKown read Resolution No. 2012-13 by title.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez to approve Resolution No. 2012-13 Vote 4 yeas, 1 nay. (Commissioner Joseph Miller voted nay)

11. **Resolution No. 2012-14** – This resolution is in support of the effort by the Florida Fish and Wildlife Conservation Commission to modify the boating safety zone at the Clewiston Lock. City Manager McKown read Resolution 2012-14 by title.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve Resolution No. 2012-14. Vote 5 yeas, 0 nays.

- 12. Okeechobee Landings Sewer Agreement Transfer** – Utilities Director McCarthy stated that Okeechobee Landings is being sold and Commission approval is needed to transfer the sewer agreement to the new owner.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the transfer of the Sewer Agreement to Clewiston RV Resort, LLC, contingent upon legal review. Vote 5 yeas, 0 nays.

REPORTS FROM CITY MANAGER – City Manager McKown asked the Commission for direction on the East Rec Advisory Committee. Mr. McKown stated that he has spoken to Acting County Administrator Mark Lapp, and he feels County is only willing to contribute \$47,500 to Recreation this year. The consensus of the Commission was that if the County agrees to our other requests, such as adding Recreation Director Ramer to this committee as the City's fifth member, we should concede the \$2500 for this year. Mr. McKown asked the Commissioners to send him their selections for possible members for the Advisory Committee.

REPORTS FROM THE CITY ATTORNEY – City Attorney Schoech told the Commission there are a lot of State laws he does not agree with or like. His job is not to disagree with the Commission, but he has to inform them of what State law is. Mr. Schoech stated he has received correspondence from ASCAP indicating they have been advised to send him the City's correspondence. Mr. Schoech stated that if the City uses recorded music at any function, we should probably pay ASCAP. The amount should be less than \$700 per year.

REPORTS FROM THE CITY COMMISSION – Commissioner Gardner stated that the bank's staff has been cleaning Trinidad and Candy Cane Parks for many years. They cleaned the parks last week and they are the cleanest they have ever been.

Adjournment:

The meeting was adjourned at 7:30 p.m.

Richard Miller, Mayor

Marilyn McCorvey, City Clerk