

**CITY OF CLEWISTON
Regular Commission Meeting
February 17, 2014**

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, February 17, 2014. The meeting was called to order at 5:00 p.m. by Mayor Phillip Roland. Pastor Hicks gave the invocation and the audience recited the Pledge of Allegiance.

Attendance:

Commissioners Present: Mayor Phillip Roland, Commissioner Mali Gardner, Commissioner James Pittman, and Commissioner Julio Rodriguez.

Personnel Present: City Manager Al Perry, Finance Director Ted Byrd, City Clerk Marilyn McCorvey, Recreation Director Lance Ramer, Community Development Director Travis Reese, Public Works Director Sean Scheffler, Utilities Director Danny Williams, City Attorney Charles Schoech, and City Engineer Tommy Perry.

Visitors Present: Terry Gardner, Asa & Betty Godsey, John Hicks, Orvell Howard, Christine Howell, Donald Hughes, Kevin McCarthy, Paula Pittman, Kristine Peterson, and Curtiss Pullen.

RECOGNITION OF U-10 BOYS AYSO SOCCER TEAM – WINNERS OF THE STATE GAMES CHAMPIONSHIP – Scott Jones introduced the team to the Commission and stated how proud he is of the team and thanked the City for allowing them to use the soccer fields.

ADDITIONS/DELETIONS/CHANGES TO THE AGENDA – none

1. Consent Agenda

- A. *City Commission Meeting Minutes – January 27, 2014*
- B. *Event Application – Sugar Festival, April 11 & 12, 2014*
- C. *Proclamation – Sugar Industry Appreciation Week*
- D. *Event Application – Street Dance – April 11, 2014*

Commissioner Pittman made a motion, seconded by Commissioner Rodriguez, to approve the Consent Agenda. Vote 4 yeas, 0 nays.

PUBLIC HEARING

- 2. Resolution No. 2014-01 - Intent to Use the Uniform Method of Collection of Non-Ad Valorem Assessments** – The City has advertised this public hearing the required four times in the local newspaper. City Manager Perry opened the public hearing stating the purpose is to discuss and accept input from all interested parties relative to Resolution 2014-01. Mr. Perry stated the issue before the Commission is the approval of Resolution No. 2014-01 which expresses the intent of the City to use the uniform method of collecting non ad-valorem assessments on residential property in the jurisdictional boundaries of the City. Official notice of the public hearing was advertised in the Clewiston News on January 16, 23, 30, and February 5. City Manager Perry read Resolution No. 2014-01 by title. Orvill Howard came forward and stated he was in the dark as to what the City wants to do with the assessment. Mr. Howard stated he is currently paying ad valorem taxes which pay for recreation in the City, and this resolution authorizes the City to levy additional taxes on residential property. Mr. Howard stated he feels the residents are paying more than their fair share now and does not want additional taxes levied to pay for recreation. Mayor Roland stated that the assessment should reduce residential taxes as the cost will be spread over eastern Hendry County. Mr. Howard stated those reductions are not always forthcoming and that we rely on the City Commission to keep the taxes down. Commissioner Gardner stated her perspective is that for many years, we have looked at the recreation budget and recognize that we cannot continue to sustain it. She stated that City residents are currently paying for recreation, and the City is hoping to model the East Rec program after the West Rec program. Commissioner Gardner stated she is not in favor of any additional tax and she will not vote for anything that will raise our taxes. Commissioner Gardner stated that the City has been discussing this idea for many years and unless we make sure everyone in Eastern Hendry County is paying for the recreation program, she sees deterioration coming for East Rec. Commissioner Pittman interjected that there will be many more

discussions on this because we don't have an absolute on the assessment amount. Commissioner Pittman stated he hopes the citizens will participate in future discussions. The Public Hearing was closed.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to approve Resolution 2014-01. Vote 4 yeas, 0 nays.

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

- 3. Approval of Agreement with Hendry County Tax Collector and City of Clewiston** – This agreement relates to the implementation and collection of the City's non-ad valorem assessments billing relating to the East Hendry County Recreation Program. Commissioner Pittman asked if the 1% fee was negotiable and City Attorney Schoech stated it thought it was and we could change the agreement to read "up to 1%".

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the Agreement with the Hendry County Tax Collector with the wording change in number 3 of "up to 1%". Vote 4 yeas, 0 nays.

- 4. Approval of Agreement with Hendry County Property Appraiser and City of Clewiston** – This agreement relates to the uniform levy of non-ad valorem assessments to fund the East Hendry County Recreation Program within the City. City Attorney Schoech recommended that Number 5 relating to Addendum "A" be deleted from the Agreement.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to approve the Agreement with the Hendry County Property Appraiser with the deletion of # 5 relating to Addendum "A". Vote 4 yeas, 0 nays.

- 5. Approval of Surge Protection Program and Participant Agreement** – The Utilities Department would like to offer customers meter-based and point of use surge protection devices for rent or purchase. In order to implement the program, Commission approval is needed. Utilities Director Williams stated this is a voluntary lightning protection device the City will be offering under this program with a cost of about \$9.95 per month.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the Surge Protection Program and Participant Agreement. Vote 4 yeas, 0 nays.

- 6. Commission Discussion on Filling Vacancy Created By the Resignation of Commissioner Richard Miller** – Commissioner Miller resigned at the January 27, 2014 meeting. According to the City Charter, the Commission should appoint someone to fill the vacancy until the November election. Commissioner Gardner asked City Attorney Schoech if there was a process that the Commission was bound by to make the appointment. City Attorney Schoech stated there is no particular process, but the appointment has to be by majority. Commissioner Gardner stated she knew the qualifications and backgrounds of each of the six individuals that have asked to fill the vacancy and feels they are dedicated to the community and want the City to move forward. She sees a list of qualified individuals and she will be happy to make a motion for a replacement for the vacancy. Commissioner Rodriguez stated he thought all of the individuals were qualified and he would second the motion to appoint Donald Hughes, Kevin McCarthy or Kristine Petersen. Commissioner Pittman stated he would have nominated Jerry Cochrane because he comes to every meeting and he had hoped the Commission would rank the candidates.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to appoint Kristine Petersen to fill the vacancy on the Commission. Vote 4 yeas, 0 nays.

City Attorney Schoech stated that Ms. Petersen can sign the Oath of Office at City Hall and a formal oath would be administered at the March Commission meeting. He further stated that Ms. Petersen is now subject to the Sunshine Law.

- 7. Departmental Monthly Reports** – Presented by information only.

PUBLIC COMMENTS - At this time, any person will be allowed to speak on any matter that pertains to City business.

COMMENTS FROM CITY MANAGER - none

COMMENTS FROM THE CITY ATTORNEY - none

COMMENTS FROM THE CITY COMMISSION – Commissioner Rodriguez stated he feels that over the last six months, things have calmed down in the City and he likes the things that City Manager Perry is doing and how he is being proactive in his approach. He feels that Mr. Perry is learning as he goes and is doing a good job running the City. Commissioner Rodriguez stated he feels that Mr. Perry gives the City Commission information they need to make decisions and that the morale is going up in the City. Mayor Roland stated he agreed with Commissioner Rodriguez. Commissioner Gardner stated she wants things to move forward for the betterment of the community and she feels City Manager Perry is looking to increase efficiency. She stated she sees the character, integrity and leadership of Mr. Perry and she is happy with the way things are moving for our City. Commissioner Gardner stated she counted 24 vacant properties on US 27 and she knows there are some strong issues before us to reduce the burden of doing business in the City. She stated the Commission has to look at everything the City has to offer in order to prosper and improve Clewiston for the future. Commissioner Pittman stated that City Manager Perry puts in the hours and he appreciates that. He stated that because we have a hiring freeze in place, new hires must be approved by the Commission and he is aware that we are interviewing for the wastewater plant.

Commissioner Pittman made a motion, seconded by Commissioner Rodriguez, to “unfreeze” the position of Wastewater Superintendent. Vote 4 years, 0 nays.

Commissioner Pittman stated he wants to complete the Comp Plan, and feels we should set a date and move forward with a workshop. He stated when looking at the Recreation budget, he came across Robbie Rush’s contract and it did not look like a vendor contract and he does not want us to be in error with it. Commissioner Pittman stated he would like to have a workshop on the FWC grant and feels we need to spend the money. City Engineer Tommy Perry stated he understands that \$75,000 of the grant is available and he recommends we go to the west of the jogging trail, clear it, and put fill in to be sure it is not a wetland. That work would make the area usable and give the Corp a place to work. City Engineer Perry and City Manager Perry will communicate with FWC and see if the grant amount might be negotiated higher. Commissioner Gardner asked for an accounting of the FWC grant spending. Commissioner Pittman stated that the City installed cameras at the boat basin and any time the City spends that much money that was not approved at budget time, it should come back to the Commission and three quotes procured. Commissioner Gardner stated she would like to look at the procedures, and if that is the procedure, she wants to look at some other things. Mayor Roland asked if we were changing the procedure mid-stream and City Manager Perry stated he could make a purchase up to \$25,000. Commissioner Gardner stated it was her understanding that the purchase did not have to come back to the Commission. Commissioner Rodriguez stated he agrees with Commissioner Pittman, and at the very least, should have been notified of what was happening. Commissioner Pittman stated that if it is in the budget and under \$25,000, he has no problem with it. Commissioner Pittman stated a workshop may be needed on our purchasing procedures as he wants to know in advance if we are spending over \$5,000 on an unbudgeted item. Commissioner Gardner stated this issue has come up before and been ignored. She feels for a purchase of under \$25,000, it should be the City Manager’s discretion, and if the City Manager and Police Chief feel something needs to be done, she has confidence in them. Commissioner Gardner stated she takes issue with Commissioner Pittman bringing up cameras because when she brought up much bigger items, they were ignored. Commissioner Gardner stated it is the responsibility of the Commissioners to talk to the City Manager and she believes this is “nit picking” when there are bigger issues. Commissioner Pittman stated he does not feel that the City Manager did anything intentionally, but we have a policy and he feels that the City Manager should get input from the Commission. Mayor Roland stated the Lake is the most important thing in the City and he agreed to the cameras and wanted to move forward and Chief Gutshall said he had \$10,000 in his budget and we spent \$6,000 out of contingency. Mayor Roland stated that the FLW raised the question as to why we did not have cameras up yet and he pushed for the installation.

ADJOURNMENT: The meeting was adjourned at 6:05 p.m.

Phillip Roland, Mayor

Marilyn McCorvey, City Clerk