

**CITY OF CLEWISTON
Regular Commission Meeting
March 16, 2015**

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, March 16, 2015. The meeting was called to order at 5:00 p.m. by Mayor Phillip Roland.

Commissioners Present: Mayor Phillip Roland, Commissioner Mali Gardner, Commissioner Kristine Petersen, Commissioner Sherida Ridgill, and Commissioner Julio Rodriguez.

Personnel Present: Finance Director Ted Byrd, City Clerk Marilyn McCorvey, Library Director Ava Barrett, Police Chief Don Gutshall, Community Development Director Travis Reese, Utilities Director Danny Williams, City Engineer Tommy Perry, and City Attorney Charles Schoech.

Visitors Present: Nenette Aken, Terry Gardner, Asa & Betty Godsey, Christine Howell, and Laura Smith.

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

1. Consent Agenda

- A. *City Commission Workshop (US27) Minutes – February 9, 2015*
- B. *City Commission Minutes – February 16, 2015*
- C. *City Commission Workshop Minutes (US27) – February 23, 2015*
- D. *Proclamation – Kids to Parks Days*

Commissioner Petersen made a motion, seconded by Commissioner Gardner, to approve the consent agenda. Vote 5 yeas, 0 nays.

PUBLIC HEARING

2. **Variance Request for Hendry County Non-Profit Housing** – This request encompasses two requests: (1) reduce the parking requirements from 2 spots per unit to 1 ½ and (2) reduce side setbacks from 20' to 15'. The Building & Zoning Board met on these requests and recommends approval. City Attorney Schoech stated it was his understanding from the workshop that the Commission wanted to put conditions on the variance request that in the event that 1 ½ parking spaces become inadequate, the City would require additional parking spaces and if the use changes from senior housing, the two spaces per unit would automatically be required. Mayor Roland opened the Public Hearing to discuss and accept input from all interested parties relative to the variance request. City Clerk McCorvey summarized the request and stated the public hearing was noticed in the Clewiston News on February 19 and March 5, 2015. Jerry Cochrane came forward and stated he is opposed to this variance on a matter of principal. He stated that variances have been given for good reasons, but he does not feel any variances should be given. Mr. Cochrane stated his feeling is that it is bad business to make zoning changes and authorize variances. Commissioner Gardner stated in 2004 and 2005, a couple of different entities came to the Commission and the City made some concessions because we felt it was important to have the elder residences accessible to shopping, restaurants, etc. She stated we made a monetary concession for permitting and reduced the parking to 1¼ per unit because of the need. Commissioner Gardner believes this is the best chance for the elder housing to come to fruition and that it is the best use of the property. Community Director Reese stated this variance request also asked for the setback on Alverde to be reduced from 25' to 20'. There being no further comments, Mayor Roland closed the Public Hearing.

Commissioner Gardner made a motion, seconded by Commissioner Petersen, to approve the variance request for Hendry County Non-Profit Housing, with the conditions that (1) in the event that 1½ parking spaces becomes inadequate, the City would require additional parking spaces and (2) if the use changes from senior housing, the two parking spaces per unit would automatically be required. Vote 5 yeas, 0 nays.

ORDINANCE

3. **Ordinance No. 2015-01 – First Reading** – This Ordinance amends the City’s Code of Ordinances to repeal Chapter 98 Resource Protection, Article V. Floodplain Protection by repealing Sections 98-126 through 98-134 in their entirety. By further amending Chapter 98 Resource Protection, Article V Floodplain Protection by adopting new Sections 101 – 307 thereby constituting the Floodplain Management Ordinance of the City of Clewiston. This Ordinance adopts the flood hazard maps, to designate a floodplain administrator, to adopt procedures and criteria for development in flood hazard areas, and for other purposes. This ordinance must be in place to receive any FEMA benefits in case of disaster.

Commissioner Gardner made a motion, seconded by Commissioner Ridgdill, to approve Ordinance No. 2015-01 on first reading and set the Public Hearing for April 20, 2015. Vote 5 yeas, 0 nays.

RESOLUTION

4. **Resolution No. 2015-02** – This resolution opposes the implementation of, and urging further amendment to, the new FEMA Flood Insurance Rate Maps. City Engineer Tommy Perry stated that he had spoken to FEMA about making changes in the berm around the City and if that might have an effect on the flood maps. Mr. Perry stated FEMA had responded to him that if the City had the data to back up the effect of removing the berm, they would look at it.

Commissioner Gardner made a motion, seconded by Commissioner Ridgdill, to approve Resolution No. 2015-02. Vote 5 yeas, 0 nays.

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

5. **Appointment to Board of Building Commissioners** – The Board of Building Commissioners is a three member board which currently consists of the City Engineer, a community business representative, Tom Waddell, and a City Commissioner. This board meets on an “as needed” basis. With the departure of Commissioner Pittman, a Commission representative should be appointed to the Board.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to appoint Mayor Roland to the Board of Building Commissioners. Vote 5 yeas, 0 nays.

6. **Discussion on Sunshine Law and Voting by Phone** - Commissioner Ridgdill requested the Commission discuss the Sunshine Law and voting by telephone policy again. The Commission discussed this item and City Attorney Schoech stated the law in Florida allows a member of the Commission to vote by phone if a quorum is present at the meeting. Mr. Schoech stated there should be an extenuating circumstance that prevents the Commissioner from attending, such as sickness, or in his opinion, a scheduled vacation.

Commissioner Ridgdill made a motion, seconded by Commissioner Gardner, to write a policy outlining the Commission’s wishes of allowing one call-in per year. Vote 5 yeas, 0 nays.

7. **Discussion of hiring Robbie Rush, PGA Professional, as Director of Golf.** Commissioner Gardner stated Mr. Rush is in his second year of being a contract employee and we have seen the improvements at the golf course. Commissioner Petersen stated the Golf Course Advisory Board minutes do not reflect that the Board gave their approval. She stated a couple of the members made positive comments and she made a call to Carol Giddens who agreed that Mr. Rush does a good job, but she was not aware of the salary. Commissioner Petersen stated she reviewed the salaries of other directors and she has a concern with the salary level. She stated she is not saying that Mr. Rush does not do a good job, but when the Commission has to discuss upgrades to City buildings and bypass vehicles for the Police Department because there are no funds, she has concerns. Commissioner Gardner stated she understands the concerns, but the City would be \$50,000 better off than we were two years ago with this hire. Mayor Roland stated the income at the Golf Course has jumped by leaps and bounds and Mr. Rush is part of the reason. Commissioner Ridgdill stated it was discovered that the golf course billing was done incorrectly and Mr. Rush found that error. Commissioner Gardner stated the goal is to reduce the

cost of the golf Course to the City and make it profitable and she will take the City Manager's recommendation. Commissioner Rodriguez stated that he feels Mr. Rush is the right person for the job, but does not believe we need a full time superintendent. His feeling is that the superintendent/director positions should be consolidated and Mr. Rush should know how to grow grass. Commissioner Petersen stated she does not take away from Mr. Rush's talent, but she believes the salary is out of line. Commissioner Rodriguez stated he respects Commissioner Petersen's comments and he too thought the salary was at the high end. Commissioner Ridgill stated Commissioner Petersen makes a valid point, but when you want to add services, we have to find a person that can do more than one thing. She stated if the Commission supports this, it should be with the understanding that the \$15,000 contracted services for turf management should not be allowed to grow. Mayor Roland stated over the last two years, we have improved the golf course and it is his hope that we will lower the amount we have to subsidize the golf course to around \$250,000 or less. Mayor Roland stated it has been his goal to hire Mr. Rush at the Golf Course.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to allow the City Manager to hire Robbie Rush as Director of Golf as proposed. Vote 4 yeas, 1 nay. (Commissioner Petersen voted nay)

- 8. Discussion of hiring contractor for superintendent services (turf and grounds maintenance issues) at the Golf Course.** Commissioner Ridgill stated she could not approve a contract without seeing the actual contract.

Commissioner Gardner made a motion to approve the 12 month contract in an amount not to exceed \$15,000 for Golf Course and other facilities turf maintenance. Commissioner Gardner withdrew her motion.

Commissioner Ridgill made a motion, seconded by Commissioner Gardner, to table this item. Vote 5 yeas, 0 nays.

- 9. Discussion led by City Attorney Schoech on Code Enforcement.** City Attorney Schoech stated he understands the Commission has held several workshops debating code enforcement, especially on mobile homes and RV's. Mr. Schoech stated there are a number of ordinances in the Code that specifically relate to this issue. Mr. Schoech stated that if concentrating on the mobile homes and RV's is the Commission's desire, that direction should be given to the City Manager, then staff can determine if the homes are properly licensed, the mobility issue can be addressed, etc. Mr. Schoech stated this concentration on mobile homes and RV's should be done City-wide and Code Enforcement must be done fairly and impartially. He stated that if a home cannot be brought into compliance, it must be removed. Mr. Schoech stated the process must be done properly and legally to avoid a potential lawsuit. Mr. Schoech stated the Commission should direct the City Manager, and then staff can do their job under his direction. Mr. Schoech believes the City should continue Code Enforcement with all properties that are a nuisance or blight to bring them into compliance or be removed. Commissioner Ridgill asked if the Commission should discontinue having the US 27 workshops. Mr. Schoech stated maybe not discontinue them, but give specific instructions to the City Manager and ask for status reports. Commissioner Gardner stated we started the workshops to get things in motion and to be sure everyone was on the same page. She feels the Commission has the responsibility to continue to remove blight and give our support to staff to get the job done.

- 10. Departmental Monthly Activity Reports - Presented for 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 Gardner stated she had asked for an update on the Tyler Software implementation, but all of the Commissioners were not given the information she has, therefore, she asked that the discussion be put on the April agenda. Commissioner Ridgill asked Community Development Director Reese if we had any more information on the flood insurance issue. Mr. Reese stated we are unable to get any firm numbers on

the cost of flood insurance without the elevation certificates. He stated there are FEMA brochures available at the Community Development Department for anyone to pick up. Commissioner Ridgill brought up the “Fish Clewiston” emblem. She stated this emblem is primarily for Scott Martin’s fishing gear, but she does not believe we are ready to go forward with it. Commissioner Petersen stated she believes the emblem should show more diversity. Commissioner Gardner congratulated the Utility Department for the first time that our residential rates were the lowest in the State for an FMPA City. We continue to look for ways to reduce the commercial rates and other ways to save money.

Public Works Director Scheffler spoke about the Spring Cleaning Event on March 28. Mr. Scheffler stated there is also a “No Butts About It” contest. He stated that 14 local merchants have donated prizes and Save-a-Lot and Beef O’Brady’s will donate food. Mr. Scheffler stated the four local financial institutions donated the funds for T-shirts this year.

ADJOURNMENT

The meeting was adjourned at 6:45 p.m.

Phillip Roland, Mayor

Marilyn McCorvey, City Clerk