

CITY OF CLEWISTON
Regular Commission Meeting
July 21, 2014

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, July 21, 2014. The meeting was called to order at 5:00 p.m. by Mayor Phillip Roland. Pastor Alan Koch gave the invocation and the audience recited the Pledge of Allegiance.

Commissioners Present: Mayor Phillip Roland, Commissioner Mali Gardner, Commissioner James Pittman, and Commissioner Julio Rodriguez. Commissioner Kristine Petersen was present by phone.

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

Visitors Present: Terry Brackins, Jerry Cochrane, Terry Gardner, Asa & Betty Godsey, Christine Howell, Alan Koch, Melanie McGahee, Sherida Ridgill, Belinda Smith, Matt Stanton, and Curtiss Pullen.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA – City Manager Perry asked that Resolution No. 2014-07 be added to the agenda as Item 9, Approval of DR420, DR 429 TIF and DR 420 MMP be added to the agenda as Item 10, Lien Reduction Request for property owned by Kenneth Lanning be added to the agenda as Item 11, and Lien Reduction for property at 610 Sabal Avenue be added to the agenda as Item 12. The Commission agreed.

Recognition of Public Works Mechanic, Jeff Conrad

1. Consent Agenda

- A. *City Commission Minutes – June 16, 2014*
- B. *Event Application – Rainbow Run 5K – September 20, 2014*

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve the consent agenda. Vote 4 yeas, 0 nays.

PUBLIC HEARING

- 2. Public Hearing** – This public hearing is to discuss alternatives for rehabilitation of the sanitary sewer collection system that pumps flows to the City of Clewiston Wastewater Treatment Plant. Mayor Roland opened the public hearing. City Engineer Tommy Perry stated this rehabilitation is for the main lift station and this hearing is regarding the funding mechanism for the rehabilitation. Mr. Perry recommended that the City move forward with this project. An AECOM representative, Lawrence Lardieri, who stated he has been the engineer of the project since the 2010 plan was developed stated this project will rehabilitate and construct new facilities at the main lift station, wet well facilities, pumps, meter station and would bring the facility up to standard and should eliminate any environmental problems. This rehabilitation should upgrade and provide necessary equipment to have a properly operating facility long term. City Manager Perry stated that the public hearing was advertised in the Clewiston News on July 3, 2014. There were no public comments on this subject. Mayor Roland closed the public hearing.

RESOLUTIONS

- 3. Resolution No. 2014-06** – This resolution is for the adoption of Supplement No. 1 to the August 2010 Clewiston WWTP expansion Preliminary Engineering Report (PER) for the City to be eligible for State Revolving Fund (SRF) low interest loans and, authorizing the Mayor or his designee to apply for assistance from the State of Florida State Revolving Loan Program for funds for construction of improvements identified in the Supplement No. 1 to the PER and, authorizing the Mayor or his designee to execute the requested loan agreement for an amount not to exceed \$900,000, subject to the approval of the City Attorney and, designating the City Manager as the authorized representative to provide the assurances and commitments required by the State of Florida, State Revolving Loan Program. City Attorney Schoech stated the Resolution is in order and legally sufficient.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve Resolution No. 2014-06. Vote 4 yeas, 0 nays.

4. **Resolution No. 2014-05** – This resolution approves an agreement with the FDOT and City of Clewiston for maintenance of sidewalks. Public Works Director Scheffler stated he has not received a start date for this project from FDOT but this resolution must be in place before they move forward. Mr. Scheffler stated he met with FDOT last week to discuss additional sidewalks and possibly two new welcome signs with landscaping.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2014-05. Vote 4 yeas, 0 nays.

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

5. **Bid Award – Refuse Front Loader, Refuse Body and Curotto Can Slamming Eagle Recommendation** – The bids for these items were opened on July 10, 2014. Public Works Director Scheffler stated three companies submitted bids. He stated he feels only one company meets or exceeds the bid specifications and recommends awarding the bid to Steel Truck Centers in the amount of \$294,265 for the purchase.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to award the bid for the refuse front loader, refuse body and curotto can Slamming Eagle to Steel Truck Center is an amount not to exceed \$294,265. Vote 4 yeas, 0 nays.

6. **Bid Award – Installation of the Golf Course Sign Recommendation** - Bids were opened for the installation of the golf course sign on July 10, 2014. City Engineer Perry stated three sign companies had picked up packets but none submitted a bid. He stated one company is capable of building the sign, but not installing it. Mr. Perry stated we are currently looking at the option of buying the sign from one vendor and have another vendor install the precast base. Mr. Perry stated he will get a hard number and bring it back to the Commission before moving forward.
7. **Discussion on Mosquito Control Customer Charges** – Mayor Roland would like to discuss the possibility of increasing the customer charge for mosquito control. Mayor Roland stated it is his belief that we can justify more flights and he is in favor of increasing the mosquito control customer charge from \$6.00 to \$7.00. Commissioner Gardner stated she is not in favor of increasing the customer charge. She would like for staff to be sure we are doing everything effectively for a better program.
8. **Departmental Monthly Reports** – Presented for information only.
9. **Resolution No. 2014-07** – This resolution was requested by Mayor Roland and opposes and urges further amendment to the Biggert Waters Flood Insurance Reform Act of 2012. City Attorney Schoech read Resolution No. 2014-07. Mayor Roland stated that FEMA has informed us that our flood insurance requirement will go into effect. He stated City Attorney Schoech authored the Resolution and we will send it to all the cities around the Lake and our representatives. Mayor Roland asked that the following be added to the resolution: in the 79 years the dike has been built, it has never been breached; FEMA alluded to a 21 foot Lake level and the Lake has never been 21 feet; and since Katrina and Wilma in 2005, the engineers have spent millions of dollars upgrading the areas of the dike where problems surfaced and have strengthened it. Commissioner Pittman asked that the IBC Code added as well as the Florida Building Code to the Resolution.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve Resolution No. 2014-07 with the additions mentioned above incorporated into the Resolution. Vote 4 yeas, 0 nays.

- 10. Approval of DR420, DR420 TIF and DR 420 MMP for submission to the Property Appraiser** – Finance Director Byrd explained the amounts and importance of these forms. The Commission discussed the millage rate and Commissioners Gardner and Rodriguez voiced opposition to raising taxes. Commissioner Pittman stated he did not like raising taxes either, but he would like to keep our City looking good. Mayor Roland stated he would like to give employees a raise this year and would like to see a little wiggle room and would be in favor of raising the millage one mill.

Commissioner Rodriguez made a motion, seconded by Commissioner Gardner, to approve the DR 420, DR 420TIF, and DR 420 MMP for submission to the Property Appraiser as presented. Vote 4 yeas, 0 nays.

Jerry Cochrane came forward and stated he applauded the Mayor for saying we may need to raise the millage. Mr. Cochrane stated changing the millage on the forms does not mean we are going to raise the millage, but we would have the ability to if need be. He stated the City is working blind because we don't have a budget yet. Mr. Cochrane suggested that we give ourselves some flexibility by raising the millage on the paperwork ½ a mill.

Sherida Ridgdill stated Commissioners Rodriguez and Gardner are correct that constituents will have a problem seeing an increase in millage on the form. Ms. Ridgdill asked if the mosquito control fee could be moved to the ad valorem taxes instead of on the utility bill as we have a lot of vacancies and unimproved lots that do not pay for mosquito control.

Laura Smith stated her opinion was that by paying per unit, you get multiple charges on apartment complexes. Ms. Smith stated the City should be looking at raising the millage rate on the side of caution because you can always go back to the lower millage.

- 11. Lien Reduction Request for Property Owned by Kenneth Lanning** – Mr. Lanning is deceased and his sister, Donna Murdock, is requesting a lien reduction on the property owned by Mr. Lanning. As backup, this house had a tree fall on it during Hurricane Wilma making it uninhabitable. The house was condemned and the City paid for the demolition of the house. The City has out of pocket expenses totaling \$18,474.14 and interest due of \$11,600.70. Melanie McGahee, attorney for Donna Murdock, came forward to ask for some concession on the lien amount. Ms. McGahee estimates the value of the lot to be between \$8,000 and \$10,000 and asked the Commission to consider allowing Ms. Murdock to sell the lot and give the amount she sells the lot for to the City to satisfy the lien. Commissioner Gardner stated the City has out of pocket expenses of over \$18,000 and she has looked at the issues and believes the City should be reimbursed for the full amount and she is not in favor of reducing the lien more than 50%. Commissioner Pittman stated the City spent over \$18,000, but he would support eliminating the interest. Ms. McGahee stated her client is not trying to make any money and would not have a problem deeding the property to the City to satisfy the lien.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve waiving the interest due and accept \$18,474 for satisfaction of the lien. Vote 3 yeas, 0 nays. (Mayor Roland abstained)

- 12. Lien Reduction Request for Property at 610 Sabal Avenue, Lot 19 in Seminole Manor** – This property has had numerous code violations over the past few years. Because the violations went unresolved for over two years, the total lien is currently \$26,625. Mr. Matt Stanton is who is attempting to purchase the property, went before the Special Magistrate on July 16 requesting a lien reduction. Mr. Watt recommended the lien be reduced to \$1,000. However, the City is currently out of pocket approximately \$1,241.34. Matt Stanton stated he is trying to buy the property and asked the Commission to lower the lien amount.

Commissioner Pittman made a motion to accept \$1,241.34, the City's out of pocket expenses, contingent upon the sale of the property to Matt Stanton, to satisfy the lien.

Motion died for lack of a second.

Commissioner Gardner stated she disagrees with the Special Magistrate because the time and effort of City staff was not taken into consideration. Commissioner Gardner stated she is not willing to reduce the lien to less than 50% of the lien amount.

Terry Brackins came forward to speak on behalf of the property owner, Bette Jones. He stated Ms. Jones is disabled and the property is assessed at \$16,500. Mr. Brackins stated the property was not dilapidated and Ms. Jones had to tear down her home and he doesn't feel that is right. Commissioner Rodriguez stated the process is difficult to be fair to every person.

Community Development Director Reese stated this property came before us in 2012 and accrued fines and had a second case in 2013. The property was in disrepair and the mobile home has been removed and Mr. Stanton is currently maintaining the property to our code. Mr. Reese stated Mr. Watt looks at each case and rules on them on their merit. Evidence is presented to Mr. Watt and he rules on the facts presented. Commissioner Gardner stated there are liens because they property is not in compliance with City Code. Commissioner Gardner stated if we assess liens, then reduce them to nothing why have the program. Commissioner Pittman stated we are not trying to make money on this program and violations have to be looked at on a case by case basis. Commissioner Rodriguez stated we consider the Magistrate's recommendation but when the numbers are that high, we have to get our money spent. Mayor Roland stated the Special Magistrate lowered the lien to \$1,000, and he would entertain lowering the lien to \$2,000 and hope it covers our cost.

Commissioner Pittman made a motion, seconded by Commissioner Rodriguez, to reduce the lien to \$2,000. Vote 3 yeas, 1 nay. (Commissioner Gardner voted nay)

PUBLIC COMMENTS - At this time, any person will be allowed to speak on any matter that pertains to City business. - none

COMMENTS FROM CITY MANAGER - none

COMMENTS FROM THE CITY ATTORNEY - none

COMMENTS FROM THE CITY COMMISSION – Commissioner Gardner stated the TDC is working on a new brochure asking people to take a ride on “Sweet Road 80” and she would like the City to look at the property standards as she feels we should make our City look as good as we can. Commissioner Rodriguez stated we need to get property owners to clean up their empty lots on US27. Commissioner Pittman asked when the City needs to have Animal Control and Fire budgets to the County. Finance Director stated after the next budget workshop would be fine. Mayor Roland stated we need a sign pointing to Lake Okeechobee.

The Commission set a Budget Workshop for August 11, 2014 at 5:00 p.m.

ADJOURNMENT

The meeting was adjourned at 7:45 p.m.

Phillip Roland, Mayor

Marilyn McCorvey, City Clerk