

CITY OF CLEWISTON
Regular Commission Meeting
August 18, 2014

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, August 18, 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 Kristine Petersen, Commissioner James Pittman, and Commissioner Julio Rodriguez.

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

Visitors Present: Nanette Aker, Jerry Cochrane, Terry Gardner, Asa & Betty Godsey, Denise Hatton, Alan Koch, Sherida Ridgill, Gloria Rosen, and John Wellslager.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA

1. Consent Agenda

- A. *City Commission Budget Workshop Minutes – July 14, 2014*
- B. *City Commission Workshop Minutes – July 14, 2014*
- C. *City Commission Minutes – July 21, 2014*
- D. *City Commission Special Commission Minutes – August 4, 2014*

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

Ordinance – First Reading

- 2. Ordinance No. 2014-01** – This ordinance amends Section 201-75, construction requirements for curbs, curb cuts and driveways, of the Clewiston Code of Ordinances to require property owners to pay the costs of constructing certain driveway aprons concurrently with the paving or repaving of the adjacent street. City Manager Perry read Ordinance 2014-01 by title. Commissioner Gardner stated that she is not in favor of the 24 inch flares that are included in the paving project and she would favor only extending the deadline for aprons for one year.

Commissioner Gardner made a motion, seconded by Commissioner Petersen, to approve Ordinance No. 2014-01 on first reading and set the Public Hearing for September 15, 2014. Vote 4 yeas, 1 nay. (Commissioner Gardner voted nay)

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

- 3. Unprovoked Attack by Dogs Upon Domestic Cats** - Animal Control had a call about an unprovoked attack by two dogs on four domestic cats resulting in their deaths. The owner of the two dogs has been identified as Milton Cecil Harris, Jr. Mr. Harris has been cited \$100 per dog by Animal Control for dogs running at large. The Commission has the discretion of applying an additional fine of up to \$500 per dog for the attack upon domestic animals. In addition, the two dogs are also accruing a housing charge of \$5 per day since August 3. Animal Control staff has deemed the two dogs to be vicious. Police Chief Gutshall spoke on this item. Commissioner Pittman asked how a dog is deemed to be vicious. Chief Gutshall stated the killing of an animal or the attack on a human. Several individuals wishing to speak on this item came forward to be sworn in by the City Attorney Doney. Chief Gutshall stated it has come to light that only one of the dogs has shown evidence of a fight and the other dog has no marks on it. Chief Gutshall stated considering that evidence, he cannot swear that both dogs were involved and recommends that we hold only one dog accountable. Commissioner Petersen asked how many times the dogs had been picked up by Animal Control. Animal Control Officer Griffin stated none. Milton C. Harris, Jr., the owner of the dogs, stated he has built a fence for the dogs. Mr. Harris stated he was home but let the dogs out of the pens and it was an accident that they left his yard. Mr. Harris stated he searched for the dogs as soon as he was aware they had left his yard. Steve Daniels came forward to speak and stated that Mr. Pflum takes care of his cats and they were in a

fenced in area on the porch. He stated that both dogs were in the porch and the dogs barked at him while they waited for the police. Mr. Daniels stated the pit bull never left the porch and one of the cats was still alive, but the police would not let him in the porch because they were afraid he might get bit. He stated the cat had to be euthanized because of its injuries. Mr. Daniels stated this was a vicious attack and he has concerns because there are a lot of small animals in the area. Mr. Daniels stated he witnessed the aftermath of the attack and the next time, it might be a child. He did state however, that after the attack, the dogs did not act vicious. Debbie Daniels stated she heard the attack and it was horrifying. The owner of the cats, Keith Pflum, stated they were not home at the time of the attack. He stated the dogs traveled more than ¼ mile to attack the cats and this is not the first time he has seen these dogs in his community. He stated his cats stay in his yard. Cynthia Pflum stated all of their cats are rescue cats and two of the cats on the porch were sick and she does not want this to happen to anyone else. Ms. Pflum asked that the dogs be put down. She stated she is scared to go into her back yard.

Commissioner Petersen asked what precautions would be put in place. Chief Gutshall stated that signage must be posted and he would inspect the cages the dogs would be housed in. Chief Gutshall stated there is no height requirement for a fence. He stated that the dogs, if deemed dangerous, would have to be muzzled and on a leash any time they were out of their confined area. Commissioner Petersen stated it is hard on both sides and she knows Mr. Harris loves his animals, but as dog owners, we are required to be sure it doesn't happen again. Mr. Harris stated that this accident has been an eye opener for him and if he has to muzzle the dogs when they are out, he will. Chief Gutshall stated he did not think we had the evidence to deem both dogs vicious. Chief Gutshall stated his recommendation is that the fine be \$500 for the dangerous dog, \$100 for each dog for running at large, and the room and board which is currently \$140. The Commissioners acknowledged this was an accident, but that there are consequences and asked Mr. Harris to be vigilant in his efforts to keep the dogs maintained in a safe manner.

Commissioner Rodriguez made a motion, seconded by Commissioner Petersen, to charge the dogs' owner, Cecil Harris, \$700, plus room and board for the two dogs. (The room and board charges will continue to accrue until the dogs are picked up) Vote 5 yeas, 0 nays.

4. **Golf Course Sign Discussion** - Bad Shark Sign Shop has given us a quote in the amount of \$12,000 to construct the sign and On Power has given us a quote in the amount of \$10,500 for the installation. The sign and installation total cost would be \$22,500. The Commission discussed the cost of the sign. Commissioner Gardner asked for a recommendation from the Golf Course Advisory Board on the sign, now that we know the cost.

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

5. **John Boy Auditorium Air Conditioner Repair Update** – Johnson Prewitt has requested prices from air conditioner installers to replace the air conditioner at the JBA. City staff will obtain a price for the air conditioning equipment for a City purchase and a separate price for installation. City Engineer Tommy Perry stated the bids for a replacement were received and he recommends awarding the job to McDuffie Electrical and Air Conditioning. The labor cost is \$18,500 and the air conditioning unit is \$13,495. Mr. Perry stated there is an alternate bid to replace the blower for \$800 and he recommends we proceed with that too. Mr. Perry stated that the install date is at least ten weeks away as the unit will have to be manufactured. City Manager Perry stated the price for replacing the compressor is \$9,225 which is more than originally thought. Commissioner Gardner stated she thought the repair price was less than that amount and requested that the City get at least three more quotes for the repair.

Commissioner Gardner made a motion, seconded by Commissioner Petersen, to award the air conditioner replacement project to McDuffie Electrical and Air Conditioning as bid. Vote 5 yeas, 0 nays.

6. **Clarke Mosquito Control Additional Spraying Discussion** – The City has used all of the ground spraying allowed in our mosquito control contract. We still have five air applications left and a few miles of barrier treatment. According to a memo from Victoria von Ammon, Control Consultant, each additional ULV treatment will cost the City \$1,863 (69 miles per treatment x \$27 mile). Public Works Director Scheffler stated we can shoot for twenty (20) sprays which

would get us in the \$30,000 range. Director Scheffler stated we still have five (5) more aerial sprays remaining, but we have exhausted our ground spraying.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve additional ULV spraying with the cost associated as needed, not to exceed \$37,000. Vote 5 yeas, 0 nays.

- 7. FWC Grant Discussion** – The City is required to turn in a request for the grant funding by December and desires Commission direction on how to proceed. City Manager Perry stated he had been informed that the City may receive a little more than \$100,000 from the FWC grant. Engineer Scott Jones stated if the City received \$100,000, we could do a paving project. The Commission discussed the various possibilities for the basin area. The Commission asked that City Manager Perry verify the amount the City will receive and come back with a recommendation.
- 8. Spray Park Renovations Discussion** – Johnson Engineering previously gave the City four options for the spray park water usage problem. Andy Tilton of Johnson Engineering stated there are four (4) basic options, two of which use existing facilities with adjustments, and the other two use well water. He stated the first proposal hooks the system to the pool and utilizes the treatment facilities of the pool to treat the water. The second proposal keeps the system separate from the pool and recycles the water. The third and fourth proposals require using a well for the water. Recreation Director Ramer stated he has reduced the hours for the splash pad and any of these proposals will require testing by Department of Health standards.

Commissioner Pittman made a motion, seconded by Commissioner Petersen, to approve Option Two, keep the system separate from the pool and recycle the water. Vote 5 yeas, 0 nays.

- 9. Retirement Plan Update** – Gloria Rosen will be present to give an update on the City's retirement plans. Ms. Rosen gave a summary of the 401A retirement account. She stated the total investment gain for the account is \$1,529,216.97 which is a good return on investment.
- 10. Departmental Monthly 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. Denise Hatton of the Chamber of Commerce stated the Capturing Clewiston Photo Contest has started and some of the photos are taking her breath away. She stated the City will have a two page spread in the book and she needs the information for the spread by September 1. She stated entries will be accepted until September 5, and during the week of September 16, the Commission will decide upon the best pictures. Ms. Hatton and John Wellslager thanked the Commission for their participation and donations.

Asa Godsey asked that the Commission consider getting the opinions of people who use the boat basin regularly on what needs to be done. Mr. Godsey stated there are a lot of things that could be done that would not cost much, but would help boaters greatly. He stated if a pavilion is put at the basin, it will become a weight in station. Mr. Godsey stated there are some problems with parking.

COMMENTS FROM CITY MANAGER – City Manager Perry stated he talked with the Department of Economic Opportunity at the Florida League of Cities and had also contacted Matt Hudson regarding our grant at the Commerce Park.

COMMENTS FROM THE CITY ATTORNEY - none

COMMENTS FROM THE CITY COMMISSION – Commissioner Gardner asked if there was an update on the alley at La Frontera. City Engineer Perry stated the plan was to pave Tuesday, weather permitting. Commissioner Gardner also stated the Elks Lodge is having a tailgate party before the first home football game on August 29 and teachers eat free. Commissioner Petersen thanked Library Director Barrett for coming to high school to tell staff what is going on at the Library.

ADJOURNMENT

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

Phillip Roland, Mayor

Marilyn McCorvey, City Clerk