

CITY OF CLEWISTON
Regular Commission Meeting
April 20, 2015

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, April 20, 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 Sherida Ridgdill, and Commissioner Julio Rodriguez. Commissioner Kristine Petersen was absent.

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

Visitors Present: Brian Arant, Terry Gardner, Asa & Betty Godsey, Christine Howell, and Clyde Johnson.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA – City Manager Perry asked that Agenda Item # 4 be deleted from the agenda. The Commission agreed.

First Quarter Retirement Plan Update – Gloria Rosen

1. Consent Agenda

- A. *City Commission Workshop Minutes – US27 – March 9, 2015*
- B. *City Commission Workshop Minutes – March 12, 2015*
- C. *City Commission Minutes – March 16, 2015*
- D. *City Commission Workshop Minutes – US27 – March 23, 2015*
- E. *Proclamation – Paralyzed Veterans of America Awareness Month*
- F. *Proclamation – World Lupus Day 2015*
- G. *Proclamation – National Public Works Week*
- H. *Approval of 2015 Revised Workshop and Meeting Schedule*

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to approve the Consent Agenda. Vote 4 yeas, 0 nays. (Commissioner Petersen was absent)

PUBLIC HEARINGS

- 2. Ordinance No. 2015-01 – Final 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. The City had the first reading of this Ordinance on March 16, 2015. Mayor Roland opened the Public Hearing stating the purpose of the hearing was to accept input from interested parties relative to the adoption of Ordinance No. 2015-01. City Manager Perry read the Ordinance by title and stated the hearing was advertised in the Clewiston News on April 2, 2015. Mr. Schoech stated this ordinance was similar to the ones other cities were adopting all over the State. Mayor Roland stated the City has sent letters and attended meetings with FEMA about the flood plain maps to no avail, but this Ordinance must be adopted in order for FEMA to give any aid to the City in case of disaster. The Commissioners agreed that the City is not going to stop fighting the implementation of the flood maps. Commissioner Gardner asked that the City send Brian Fugate with FEMA an invitation to visit Clewiston as he was here after Hurricane Wilma. Staff will also get the word out the public about the flood insurance requirement via the newspaper, web site, and utility bills. Mayor Roland closed the Public Hearing.

Commissioner Rodriguez made a motion, seconded by Commissioner Gardner, to approve Ordinance No. 2015-01. Vote 4 yeas, 0 nays. (Commissioner Petersen was absent)

3. **Variance Request** – Brian and Jennifer Arant are requesting to reduce the front setback requirements at 403 W. Avenida Del Rio. The Planning & Zoning Board met on April 6 and recommends approving a 3 ½ foot variance to the front setback requirement. Mayor Roland opened the Public Hearing stating the purpose of the hearing was to accept input from all interested parties relative to a variance request to reduce the front setback requirements at 403 W. Avenida Del Rio from Jennifer and Brian Arant. City Manager Perry stated the property is zoned R1-A and the public hearing was advertised in the Clewiston News on March 26, 2015. Keith Thomas of 405 W. Avenida Del Rio stated he does not think it is in the best interest of his property to approve this variance. He stated the property is currently aesthetically pleasing and this variance might change the look of the homes down the street. Mr. Arant stated the house will be even with House # 2 and only about 24 feet of the house would be over the setback. Mr. Thomas looked at the rendition of the location of the balance of the houses compared to Mr. Arant's and stated he doesn't really have a problem after seeing it. Mr. Reese stated the main reason the Planning & Zoning Board approved the request was the odd shape of the lot. Mayor Roland closed the Public Hearing.

Commissioner Rodriguez made a motion, seconded by Commissioner Gardner, to approve the Planning & Zoning Board's recommendation of a three and one-half (3 ½) foot variance to the front setback requirement. Vote 4 yeas, 0 nays. (Commissioner Petersen was absent)

ORDINANCE

4. **Deleted - Ordinance No. 2015-02 – First Reading**

RESOLUTION

5. **Resolution No. 2015-03** – This Resolution creates a budget amendment for the FWC grant in the amount of \$75,500.

Commissioner Gardner made a motion, seconded by Commissioner Ridgill, to approve Resolution No. 2015-03. Vote 4 yeas, 0 nays. (Commissioner Petersen was absent)

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

6. **Bid Award for Backhoe** – The City advertised for bids for the backhoe combination and received two bids, Trekker Tractor, LLC and Kelly Tractor. Public Works Director Scheffler has examined the two bids and recommends the City lease the backhoe from Kelly Tractor at a price of \$34,991.89 per year for three years with a \$1.00 buyout at that time.

Commissioner Ridgill made a motion, seconded by Commissioner Gardner, to approve leasing the backhoe combination from Kelly Tractor for \$34,991.89 per year for three years, for a total cost of \$104,975.67. Vote 4 yeas, 0 nays. (Commissioner Petersen was absent)

7. **Hosting Agreement W/Earth Networks, Inc., City of Clewiston, and Hendry County TDC** – This agreement is to allow a weather system owned by Earth Networks, Inc. to be installed at designated City facilities. Commissioner Ridgill brought up the issue of insurance and City Attorney Schoech stated the agreement is silent on the issue but the City can require it.

Commissioner Ridgill made a motion, seconded by Commissioner Rodriguez, to approve the Hosting Agreement, contingent upon a certificate of insurance is provided to the City. Vote 4 yeas, 0 nays. (Commissioner Petersen was absent)

- 8. Approval of Florida Fish and Wildlife Conservation Commission Grant Award Agreement for the Marina Boat Ramp Parking Project in the amount of \$75,500** – The City Commission has previously approved the scope of work presented to FWC by Johnson Prewitt for use of this grant.

Commissioner Ridgill made a motion, seconded by Commissioner Gardner, to approve the FWC Grant Agreement and authorize the Mayor to sign. Vote 4 yeas, 0 nays. (Commissioner Petersen was absent)

- 9. City Commission Policy on Attendance by Telephone** – The Commission previously approved that a Commissioner may attend a meeting once per calendar year by telephone. This policy spells out the responsibilities of the Commissioners regarding this.

Commissioner Gardner made a motion, seconded by Commissioner Ridgill, to approve the Policy. Vote 4 yeas, 0 nays. (Commissioner Petersen was absent)

- 10. Discussion of Tyler Software Implementation Progress** – Finance Director Ted Byrd stated the main modules that have not been implemented are purchasing, miscellaneous receivables, and fixed assets. The main modules have been implemented and we are getting to the comfort level with them so we can begin to confidently move forward. Commissioner Gardner stated she approved this software purchase because it was necessary to have a true integrated accounting system. She felt the amount of time it has taken for the conversion is unacceptable. Commissioner Gardner stated she wants an update at each meeting on the progress of the conversion. Commissioner Ridgill stated vendors promise the moon and really deliver nothing. She stated she has been through two conversions and if you don't bring on additional staff, it slows down the process.

- 11. Update on Code Enforcement** – Chief Gutshall stated a lot of what they have been tasked to do is tied into the flood plain ordinance. He stated they did not want to cite small problems when there might be a larger issue if it is in the flood plain. The Commission discussed rental inspections and agreed that the form used needs to be updated since the revisions to the code were made. The City Manager, Community Development Director and Police Chief will meet and simplify the inspection process. The issue of whether or not we should charge for the inspection was discussed. City Attorney Schoech stated the City can implement a registration fee for property owners that lease or rent property, or have the ability to charge an inspection fee.

- 12. “Fish Clewiston” Logo Discussion** – City Manager Perry stated this logo will be used primarily by Scott Martin.

Commissioner Gardner made a motion, seconded by Commissioner Ridgill, to approve the “Fish Clewiston” logo with the words in blue print on a white background with a blue and gold border. Vote 4 yeas, 0 nays. (Commissioner Petersen was absent)

- 13. 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 Ridgill asked for an update on the Commerce Park. City Manager Perry stated we are working with them to try to figure out how many full time employees they have.

ADJOURNMENT

The meeting was adjourned at 6:55 p.m.

Phillip Roland, Mayor

Marilyn McCorvey, City Clerk