

CITY OF CLEWISTON
Regular Commission Meeting
January 25, 2016

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, January 25, 2016. The meeting was called to order at 5:00 p.m. by Mayor Phillip Roland. The audience joined in reciting the Lord's Prayer and the Pledge of Allegiance.

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

Personnel Present: City Manager Al Perry, City Clerk Shari Howell, City Attorney Charles Schoech, Code Enforcement Officer Debbie McNeil, Community Development Director Travis Reese, Police Chief Don Gutshall, Recreation Director Lance Ramer, Utilities Director Danny Williams, City Engineer Tommy Perry and Scott Jones, Lynne Mila and Karen Moore.

Visitors Present: Michael Atkinson, Asa Godsey, Betty Godsey, Hillary Hyslope, Tabatha Ralston and Laura Smith.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA

There were no additions or deletions to the agenda.

1. Consent Agenda

- A. *Commission Workshop Minutes – December 17, 2015*
- B. *Commission Meeting Minutes – December 21, 2015*
- C. *Event Application – H.C. Fair & Livestock Show – February 12 – 20, 2016*
- D. *Event Application – H.C. Fair Parade – February 13, 2016*
- E. *Event Application – Street Dance (in conjunction with Sugar Festival) – March 18, 2016*
- F. *Approval of Southwest FL Regional Planning Council's (SWFRPC) Scope of Work for the "Main Street Revitalization Plan" – Department of Economic Opportunity (DEO) Grant #PO160 and authorization of \$25,000 payment to SWFRPC for the scope of work for the "Main Street Revitalization Plan" to be paid from the DEO grant funding.*
- G. *Approval of Surplus Equipment*

Commissioner Gardner stated she would like to discuss Consent Agenda Item No. F. She said she wanted to insure the Scope of Work for the "Main Street Revitalization Plan" was going to produce a workable document and plan, that all of the City directors were working together along with City Manager Perry and with the Southwest Regional Planning Council toward achieving this outcome. She said there were a lot of issues that needed to be addressed in the plan and making sure they were included was critical. City Manager Perry stated he would make sure the plan was discussed at the weekly staff meetings in order to receive staff input.

Vice Mayor Petersen made a motion, seconded by Commissioner Rodriguez, to approve the consent agenda. Vote 4 yeas, 0 nays

RESOLUTION

- 2. Resolution No. 2016-01** – Resolution 2016-01 adopts the 2015 Revised Hendry County Local Mitigation Strategy as a plan. City Manager Perry read Resolution No. 2016-01 by title. Commissioner Gardner inquired about the City's participation on the committee and asked how this process worked. City Manager Perry stated the City had not been involved in any discussions yet, but would be.

Commissioner Gardner made a motion, seconded by Vice Mayor Petersen, to approve Resolution No. 2016-01. Vote 4 yeas, 0 nays

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

- 3. Amendment 1 to the FL DEP Clean Water State Revolving Fund Loan Agreement WW260410 for the wastewater project "Major Sewer Rehabilitation" (signed**

12/8/2014) – This amendment provides \$373,220 in principal forgiveness and reduces the loan amount by the like amount. It was noted, City Attorney Schoech had reviewed this document and recommends having the Mayor sign it. Commissioner Rodriguez inquired about the start date of the project. City Engineer representative Scott Jones with Johnson-Prewitt and Associates stated the bids for the project would be open in February.

Vice Mayor Petersen made a motion, seconded by Commissioner Gardner, to approve Amendment 1 to the FL DEP Clean Water State Revolving Fund Loan Agreement WW260410 for the wastewater project “Major Sewer Rehabilitation”. Vote 4 yeas, 0 Nays

4. **Discussion - Rental Inspection Policy** – City Manager Perry said staff wanted to present a concept to the Commission regarding the Rental Inspection Policy. He stated Code Enforcement Officer Debbie McNeil would give an overview of the concept, which was still in the preliminary stages, regarding what would be expected from a property owner whether they had one (1) rental unit or ten (10) and what could be expected from the City. He said this was for discussion purposes only; it was not ready for the Commission voting process. Code Enforcement Officer Debbie McNeil addressed the Commission by stating it was her recommendation the Commission not suspend the rental inspections, but that a more well-rounded program be devised that would be both friendly to the Commission’s needs as well as those of property owners. This concept would aid in identifying all renters as well as landlords within the City. She noted, currently, through Business Tax Receipts, only property owners with three (3) or more rental units on their property could be identified which created a big gap in formulating rental property information. This circumstance does not allow for insuring all rental properties are maintained to the minimum standards addressed by the City’s codes. It was noted, although migrant housing may provide three (3) or more rental units, a City Business Tax Receipt was not required due to the fact these units were inspected by the State of Florida, complying with state standards accordingly. Commissioner Gardner asked if the City could request these units comply with the City’s rental inspections. City Attorney Schoech said the City could certainly request it, but he would need to research federal regulations in order to ascertain whether such a request could be mandated. It was Commissioner Gardner’s feeling migrant housing properties should be held to the same standard as other rental properties within the City. She used the example of a single family home, used for migrant housing, accommodating more than one (1) family. City Attorney Schoech stated the City building codes in the ordinances under Section 18 were pretty standard, included normal provisions, but did not address this example; it did not regulate the number of people occupying a dwelling. Community Development Director Reese gave a brief explanation of the code as it pertained to the discussion and the position of the state in regards to this type of housing. He said it was more an issue of zoning versus the amount of people in a dwelling. Code Enforcement Officer McNeil stated the State licensed migrant housing and, at present, there were seven (7) state licensed migrant properties within the City. Commissioner Rodriguez inquired about the process for choosing rental properties to be inspected and how many times per property this would occur. Code Enforcement Officer McNeil stated, with the rental inspection concept being presented, all rental homes would be required to have an initial inspection and then every two (2) years thereafter as long as the properties stayed in good standing. She said a caveat could be included in the concept which would provide for the Commission to allow all rental properties remaining in good standing to be placed on a rental inspection schedule of once every five (5) years. She said this program would not eliminate complaint driven or pre-emptive observation inspections. Mayor Roland inquired whether there was some type of indicator in the Utilities Dept. that would identify people having the utilities in their name for one or more properties. Ms. McNeil stated this was an issue she had been discussing with the Utilities staff. She acknowledged certain properties were overlooked for inspections due to the utilities never turning over. She said the proposed rental inspection program would alleviate this problem by requiring property owners to obtain a renter’s permit for each rental property. Determining the property owners for such a process was discussed. City Attorney Schoech noted Palm Beach County conducted a search for individual multiple property ownership. Mayor Roland stated he did not want the rental inspection process to become more cumbersome than it already was, but noted he did not want individuals failing to keep their properties up to standard and possibly renting them by keeping the utilities in their name. Commissioner Gardner said she felt property searches would be important when initially implementing the program, but did not know if this should continue as the process

progressed. She stated this was one item that would need to be monitored and checked. She also stated property ownership searches might aid with the situation of utilities accounts being unpaid on properties that may belong to individuals owning multiple properties. Ms. McNeil stated another provision within the rental inspection concept would be in order to obtain a rental permit, property owners would need to insure all utilities, code enforcement liens and the like were paid up to date. Commissioner Rodriguez inquired about permanent housing in motels. Ms. McNeil stated this was an issue she was currently researching. She said there is no law that prohibits individuals from permanently inhabiting a transient space. She said this situation was more a taxing issue for the property owner and state. Commissioner Gardner stated she felt this was an issue of substandard housing. City Attorney Schoech stated the City could look at enacting an ordinance that would address this issue. Commissioner Gardner stated she felt the sooner this was addressed the better. Ms. McNeil explained the steps included in the rental inspection process. She said an initial application was completed per property and an initial detailed, robust inspection was conducted. She said the initial application fee would be \$40 per property and then require a \$15 permit renewal fee for every year thereafter. She noted the annual permit would insure the information for each rental property was updated accordingly. The initial inspection would take place within fifteen (15) days of the initial application and then the property would be placed on an inspection schedule of once every two (2) years. She said there would be a caveat included that stated if a permit renewal notice was not received by the property owner for the rental property, it was still the responsibility of the property owner to make sure a current rental permit for their properties was obtained. She said every rental property permit would expire on December 31st of each year and there would be fines and fees involved for not renewing the permits in a timely manner. Ms. McNeil also discussed code enforcement as it pertained to the rental inspection process. Laura Smith, local business owner, landlord and citizen took issue with the idea of property owners being charged \$40 for each rental property. She stated property owners already had an extensive tax base; she wasn't against paying taxes, but said she was absolutely against property owners providing any more tax base than they already provided to the City of Clewiston. She felt the process being discussed seemed like a lot of added paperwork and paper trails and more in depth work. She said she was against a heavy-handed ordinance that would make it more difficult for compliance. She also reminded the Commission about the expense of the flood insurance requirement for properties within the City. City Manager Perry stated he and staff would be providing the Commission with a draft of the rental inspection policy concept soon. Commissioner Gardner stated she would like to see the financial impact rental property owners experienced with this policy concept addressed in some fashion. City Manager Perry took note and stated he would make sure a plan was formulated, containing perhaps a sliding scale that would take into account the amount of properties each individual owned, and input from Ms. Smith and other rental property owners would be sought. Commissioner Rodriguez stated fees needed to be charged for the rental inspection process in order to cover some of the administrative costs involved. Mayor Roland stated perhaps property owners with three (3) or more rental units should be invited to a discussion regarding the rental inspections and the costs associated with them. He said the City needed to cover costs. City Manager Perry stated he didn't want Code Enforcement Officer McNeil's main focus to be on rental inspections. Commissioner Rodriguez felt the rental inspection policy concept addressed the issue of landlords having to wait to rent properties in order for rental inspections to take place, permitting utilities accounts to be allowed and service provided to the properties.

5. **Update on Code Enforcement** – Commissioner Rodriguez stated he felt lately the City wasn't a very clean town; it needed some attention. Commissioner Gardner felt the issue of absentee property owners not addressing the situation of their properties containing litter, not being clean, was a big reason for this situation. She wanted this issue addressed by staff. A discussion followed concerning what could be done. It was noted; property owners could be cited for litter and could also go before the special magistrate for the citation. A property owner could be found guilty, but in compliance should they clean-up the cited property before coming before the special magistrate. The next special magistrate meeting will be held on Wednesday, January 27, 2016 at 2:00 p.m. Ms. McNeil stated, from January 1, 2015 to January 1, 2016, four hundred thirty-seven (437) code enforcement cases were opened and four hundred three (403) of them were resolved. She noted, for the previous year before, one hundred fifty-nine (159) cases had been opened with one hundred ten (110) being resolved. Currently, twenty-eight (28) cases have been opened with twenty-five (25) of them being resolved and two (2) referred out to other divisions. A total of twelve (12) rental inspections

were conducted. In regards to the upcoming special magistrate meeting, sixteen (16) cases for old business will be going before the magistrate, eight (8) having come into compliance and eight (8) considered to be still in violation. Under new business, there were six (6) new code cases with three (3) of them still in non-compliance. Commissioner Gardner requested the agenda for the special magistrate be provided to the Commission. Commissioner Rodriguez inquired as to how much money over the last two years had been collected in code enforcement fines/citations.

6. Departmental Monthly Activity Reports - Presented for information only.

PUBLIC COMMENTS - There were no public comments at this time.

COMMENTS FROM CITY MANAGER – City Manager Perry explained he would be in Tallahassee from February 1 – 4, 2016 to spend time with the City’s lobbyist Screven Watson, scheduling appointments with legislators and working on some legislative issues with the Florida League of Cities. He will keep the Commission apprised of this matter. Commissioner Gardner requested to be updated on Hendry County’s legislative requests and perhaps have County Administrator Charles Chapman address the Commission regarding the requests at the next Commission meeting.

COMMENTS FROM THE CITY ATTORNEY- none.

COMMENTS FROM THE CITY COMMISSION – Commissioner Gardner stated she was excited about it being the first meeting of 2016 and the fact City Manager Perry and staff continued to improve efficiencies and work together on different projects for the City. She said she believed the rental inspection policy and code enforcement needed to be addressed proactively to increase property values and find ways to hold those not in compliance with City codes and regulations accountable. She felt this would make Clewiston a stronger place for the future. She noted working on the 27 Revitalization Plan was critical.

The meeting was adjourned at 5:50 p.m.

Phillip Roland, Mayor

Shari Howell, City Clerk