

**CITY OF CLEWISTON**  
**Regular Commission Meeting**  
**May 16, 2016**

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, May 16, 2016. The meeting was called to order at 5:00 p.m. by Mayor Phillip Roland.

Pastor Jeff Smith of the First United Methodist Church gave the invocation and the audience joined in reciting the Pledge of Allegiance.

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

**Personnel Present:** City Manager Al Perry, Interim City Clerk Kathy Combass, City Attorney Charles Schoech, Finance Director Shari Howell, Code Enforcement Officer Debbie McNeil, Community Development Director Travis Reese, Police Chief Don Gutshall, Public Works Director Sean Scheffler, Recreation Director Lance Ramer, Utilities Director Danny Williams, Library Director Ava Barrett, Director of Golf Robbie Rush, Golf Course Consultant Jeff Kent, City Engineer Tommy Perry and Scott Jones, Aaron Angell, Debbi Towner, Lynne Mila, Karen Moore and City Engineer Tommy Perry and Scott Jones.

**Visitors Present:** Speaker Matt Hudson, Ramon Iglesias, Clyde Johnson, H.L. Bennett, Mary Ann Martin, Michael Atkinson, Tabatha Ralston, Hillary Hyslope, Tish Swangler, Donnie Hughes, Sarah Owen, Pepe Lopez, Andy Tilton, Jerry Cochrane, Dr. Leonard Carroll, Christine Howell, Raoul Bataller, Lorina Scheffler, Attorney Antonio Perez, Attorney Crystal Sands, Attorney Steven Ramunni, Ninette Aker, Jessie and Rushelle Lee, Michelle Morgan, Tabitha Yebba, Terry Gardner and Sandra Hare.

**ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA**

City Manager Perry requested Agenda Item No. 4 be tabled to the July 18, 2016 Commission Meeting.

City Manager Perry stated he would be adding a Proclamation recognizing National Police Week.

City Manager Perry also stated he would be adding Agenda Item No. 13A regarding approval of the final 10% payment to MCM Paint & Flooring for the 2016 Building Painting Project.

**1. Consent Agenda**

- A. *Commission Workshop Minutes – April 14, 2016*
- B. *Commission Meeting Minutes – April 18, 2016*
- C. *Approval for Southwest Florida Regional Planning Council to submit an application to DEO for a Facade Grant in the amount of \$30,000*
- D. *Event Application – Clewiston High School Graduation/Celebratory Fireworks*
- E. *Proclamation – American Public Works Association National Public Works Week - May 15-21, 2016*
- F. *Proclamation – Community Action Month – May 2016*
- G. *Proclamation – National Day of Prayer – May 5, 2016*

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

**PRESENTATION BY SARAH OWEN OF THE SOUTHWEST FLORIDA COMMUNITY FOUNDATION – FUNDING FOR THE COMMUNITY IMPACT GRANT TO HENDRY COUNTY LIBRARY COOPERATIVE’S IHELP PROGRAM**

Sarah Owen, President and CEO of the Southwest Florida Community Foundation, presented a check for \$30,000 in funding for the Community Impact Grant for the Hendry County Library Cooperative’s IHELP Program. Ms. Owen thanked Clewiston Library Director Ava Barrett for all of her work with the IHELP Program. Ms. Owen also thanked Mayor Roland, the Commissioners and City Manager Al Perry for their involvement. Clewiston Library Director Ava Barrett thanked Ms. Owen, the Commissioners and City Manager Perry. Commissioner Gardner stated the Southwest Community Foundation has made a great impact in Hendry County.

**PRESENTATION OF PROCLAMATION IN RECOGNITION OF COMMUNITY ACTION MONTH – MAY 2016 TO PA HOUA LEE-YANG, CSBG ECONOMIC DEVELOPMENT DIRECTOR OF THE AGRICULTURAL AND LABOR PROGRAM, INC.**

City Manager Perry read a proclamation recognizing May 2016 as Community Action Month. Mr. Perry presented the proclamation to Pa Houa Lee-Yang of CSBG Economic Development Director of the Agricultural and Labor Program, Inc.

**PRESENTATION OF PROCLAMATION IN RECOGNITION OF NATIONAL POLICE WEEK TO POLICE CHIEF DON GUTSHALL.**

City Manager Perry read a proclamation recognizing May 15<sup>th</sup>-21<sup>st</sup>, 2016 as National Police Week. Mr. Perry presented the proclamation to Police Chief Don Gutshall.

**PRESENTATION BY SPEAKER MATT HUDSON**

Speaker Matt Hudson gave a recap of the recent legislative session. Speaker Hudson stated the FRDAP Grant for Trinidad Park in the amount of \$50,000 was approved along with a \$1.5m grant for a new Police Station Facility. Speaker Hudson also stated it was his pleasure serving Hendry County the last 4 years. This is his last year representing Hendry County in the House of Representatives. He is running for the Florida Senate in the primary this August. There was a general discussion regarding the need for water to be stored north of Lake Okeechobee. Mayor Roland and the Commissioners thanked Speaker Hudson.

**PUBLIC HEARINGS**

2. **Appeal of Administrative Decision - Clyde Johnson Contracting & Roofing, Inc.** Appeal of Administrative Decision denying fence location at 1005 and 1007 W. Ventura Ave. (Lotus St. and Ventura Ave.) – The Planning & Zoning Board met on March 14, 2016 to consider Mr. Johnson’s appeal of the administrative decision denying the location of the fence at 1005 and 1007 W. Ventura Ave. (Lotus St. and Ventura Ave.). The Board reviewed the application and after discussion and advice from legal counsel, recommended the appeal be granted based on their interpretation of Code of Ordinances Section 110-524. The Board agreed the location of the fence in question is in compliance with the code.

Mayor Roland opened the public hearing by stating the purpose of the public hearing was to discuss and accept input from all interested parties relative to the Clyde Johnson & Roofing, Inc. Appeal of Administrative Decision denying fence location at 1005 and 1007 W. Ventura Ave. (Lotus St. and Ventura Ave.). He asked that all citizens desiring to speak on the matter identify themselves by name and address. He stated all public comments would be incorporated into the official minutes of the meeting. Since this matter represented a quasi-judicial proceeding, City Attorney Schoech swore in all individuals testifying on this matter and requested the Commission disclose any ex parte communications they had regarding the merits of this hearing, including site visits. Commissioner Ridgill stated she had not had any communication but drove by to view the site and had talked to staff regarding the permit application. Commissioner Rodriguez stated he personally met with Mr. Johnson at the site to get a better understanding of the matter. Vice Mayor Petersen stated she had not had any communication but had visited the site numerous times. Mayor Roland stated he had not had any communication but had visited the site many times. Commissioner Gardner stated she had not visited the site but had driven by the site and had also talked to staff regarding the permit application. City Manager Perry summarized the Appeal of Administrative Decision. City Manager Perry stated the public hearing was advertised in the Clewiston News on April 28, 2016.

Attorney Steven Ramunni addressed the Commission stating he represents the applicant, Clyde Johnson & Roofing, Inc. in this matter. Attorney Ramunni gave a brief summary of the events that led to the applicant’s appeal. He stated the issue is the interpretation of Section 110-524 of the City’s Code of Ordinances. He explained the confusion is because this property is zoned commercial and the City’s commercial zoning code has 0 setbacks. Since the City’s commercial zoning code has 0 setbacks, any language regarding setbacks in Section 110-524 of the City’s Code of Ordinances, should not be applicable. He stated the applicant’s fence permit application preceded the Technical Review Committee’s attempt to rewrite the code as stated in the March 1, 2016 memo from City Manager Perry and should

follow the code at the time the application was made. He also questioned if the Technical Review Committee has jurisdiction to address fences. He stated he feels the application meets the standards and falls under the Code of Ordinances.

Commissioner Ridgill questioned Mr. Clyde Johnson as to what the plans for the building were originally, if the posts for the barbed wire will be removed, if the property is industrial or commercial based on his understanding, and how long he had been building in the City of Clewiston. Mr. Johnson responded stating the business was always intended to be a roofing contracting business, the posts will be removed, he considers the property as commercial and he has been building in the City of Clewiston for 5-6 years.

Commissioner Gardner clarified the March 1, 2016 memo that Attorney Ramunni referred to was from Community Development Director Travis Reese not City Manager Perry. She also clarified on February 29, 2016, she talked to Community Development Director Travis Reese regarding her concern of permits issued for barbed wire fencing on US Hwy. 27 in the City of Clewiston. She stated Mr. Reese informed her there were no permits issued, the barbed wire fencing was placed without a permit. Commissioner Gardner also stated she was on the Commission in 2005 when the changes were made to the Code and she felt the Code was clear. The Commission did not want to see high fences with barbed wire on the front portion of any lot along US Hwy. 27 in the City of Clewiston. Commissioner Gardner clarified she did not attend a Technical Review Committee Meeting, she went to talk to City staff regarding her concern of the barbed wire fencing on the property located on Hwy US 27. She stated the City Attorney and Municode reviewed the City's Codes in 2013 and there were no issues of ambiguity or confusion at that time. She stated her issue is the barbed wire and high fencing along the front of any lot on US Hwy. 27, not the placement of the fence.

Attorney Ramunni stated the barbed wire is not an issue and the posts or extensions will be removed. If the appeal is granted, the applicant will agree to stipulations that barbed wire will not be used. He does have a difference of opinion regarding the interpretation of Section 110-524 of the Code as to the 5' or 8' fence height distinction. He feels the only time you can limit the fence height is if it is tied to a setback. He feels the building and fence are neat and clean and under the current code for property zoned commercial, there is no distinction as to the height of a fence. He requests the Commission grant Clyde Johnson & Roofing, Inc.'s appeal.

Commissioner Gardner stated the fence is no longer clear. Attorney Ramunni stated there is an opaque covering on the fence.

Commissioner Rodriguez stated the Planning and Zoning Board recommended the Commission grant Mr. Johnson's appeal. He questioned Community Development Director Travis Reese if he feels Mr. Johnson's fence is in compliance with the City's code. Mr. Reese stated he feels the fence is not in compliance at this time. Mr. Reese explained a Building Construction Permit was issued. A site plan is required and there was a hash mark on the site plan showing eventually or concurrently there would be a fence. Fences are accessory structures and have to be permitted separately. Commissioner Rodriguez questioned Mr. Reese if the City should have explained to Mr. Johnson that he would also need a separate permit for the fence. Mr. Reese stated there are many things depicted on site plans, including trees, which may not be a requirement to move, but may not come into compliance in another section of the Code, for landscaping or in this case, zoning for fences. If the application included information regarding the type and size of the fence, then it would be assumed the applicant was including the fence in their permit application. He would then notify the applicant to let him know he would need a separate fence permit application. He stated most of the time there is a separate contractor for commercial fencing because they are commercial grade fences, are 8' in height and sometimes include barbed wire. Attorney Schoech questioned Mr. Reese whether a portion of the fence or all of the fence is not in compliance. Mr. Reese stated it is only the front portion of the fence that is not in compliance. Mr. Reese further stated the City received a complaint on February 19, 2016 and the Technical Review Committee met only once on February 29, 2016 to discuss the complaint, which discussion did not pertain to this property. The Technical Review Committee Meetings are informal and the members are City staff. Commissioner Gardner came in during the discussion but Mr. Reese feels she was not aware it was a Technical Review Committee Meeting. The Technical Review Committee made a determination on

where the front portion of the lot would begin and end because the language is not clear. The Technical Review Committee feels the intent of Section 110-524 is the fences located in the front portion could not be greater than 4' if it was solid or 5' if it was clear.

Commissioner Rodriguez questioned Mr. Reese as to why the Planning and Zoning Board determined this fence was in compliance. Mr. Reese stated most of the Board's determination was based on the setback issue. Mr. Schoech stated he feels the confusion is the words "front portion" in paragraph (c) of Section 110-524. "Front portion" is not defined in the City's Code. Mr. Reese's interpretation of "front portion" is the portion of the fence extending from the front corner of the building to Ventura Avenue is in the "front portion" of the lot. The Planning and Zoning Board's interpretation is the fence extending from the front corner of the building to Ventura Avenue is not in the "front portion" of the lot. He stated the Commission has to determine the location of "front portion" of this lot.

Commissioner Ridgill stated based on her memory, there were parking spaces in the front of the building where someone could park without going through the fence. She questioned Mr. Johnson if that had changed and if the fence started at the corner of the front of his building. Mr. Johnson stated nothing has changed regarding parking spaces and the fence starts at the corner on one side of the front of his building.

Attorney Ramunni addressed the Commission stating the City is bound by its Code of Ordinances and there is ambiguity in the Code based on the different interpretations by the Planning and Zoning Board, Community Development Director Travis Reese, and City Attorney Schoech. He feels Clyde Johnson Contracting & Roofing, Inc. is vested and the appeal should be granted with the stipulation the extensions for the barbed wire will be removed.

Commissioner Gardner stated she did not agree with Mr. Ramunni. She stated Clyde Johnson Contracting & Roofing, Inc. is not vested because the fence was not approved and a fence permit was not issued. She stated she approved the Code in 2005 that states the intent was not to have high fencing on the front of residential and commercial property. She does not believe there is any ambiguity in the Code. Mr. Ramunni asked what was her interpretation of the "front portion". Commissioner Gardner stated the "front portion" is the front of the property. The fence facing the front of the property should not be any higher than 5'. Attorney Ramunni stated there is confusion regarding the Code because of the setback criteria and there are no setbacks for commercial property. He also stated he feels his client is vested under the law that is currently in existence.

Commissioner Ridgill asked Mr. Reese if he received the Site Plan Permit Application for Mr. Johnson's building, if Mr. Johnson applied for a building in the General Commercial District, if it would go under Code 110.395 Permitted Uses, and how did he determine he would be in compliance with the General Commercial District. She feels it would be under professional services or business services. Mr. Reese stated he did receive the application, it was for a building in the General Commercial District and he believes it would go under Code 110.395 Permitted Uses. Mr. Reese stated it would be a commercial business or professional office building. Commissioner Ridgill questioned Mr. Reese if he was at the Planning & Zoning Board Meeting on March 14, 2016. Mr. Reese stated he did attend the meeting. Commissioner Ridgill stated it appears several people spoke at the meeting stating their opinion was the fence is acceptable and questioned Mr. Reese if that was his memory. Mr. Reese stated he is not sure how many people spoke at the meeting. He does recall some who were in favor.

Commissioner Ridgill questioned Mr. Johnson what the fence contains and if there was anything he wanted to tell her about the fencing to influence her decision. Mr. Johnson stated the fence contains his trucks and building material. He also stated he thought he had a permit for the fence and did not realize he needed a separate permit until the fence was already installed. He did not feel there was an issue with the height of the fence because permits had been issued for 8' fences on commercial property within the past 11 years. Commissioner Gardner stated based on what she has observed while driving around, since 2005 there have been fences that have been installed in retail areas and none of them have exceeded 5' – 6' and none of them have barbed wire. She stated her issue with Mr. Johnson's fence is the height in the front and the intent for the barbed wire.

Commissioner Ridgill questioned Attorney Schoech if Mr. Johnson would have put a 5' fence in that portion from the building to the road, which would be a 0 lot line for commercial, would the fence be in compliance. Attorney Schoech stated yes, but he was not taking a position on whether Mr. Johnson is in compliance. He questioned where the "front portion" is. Under the interpretation of Mr. Reese, if Mr. Johnson moves the fence to the rear corner of his building, he is no longer in the "front portion" and the fence can be 8' in height. Where does the "front portion" begin and end?

Mayor Roland stated he does not have an issue with the fence but feels he would support Commissioner Gardner because she was here in 2005. He also stated he feels Mr. Johnson, as a contractor, should have known he needed a separate permit for the fence. Mayor Roland stated he feels the fence is in the "front portion" of the property. Attorney Ramunni stated the problem is everyone has a different definition of "front portion". He feels since the fence is not in the front and is not in the front setback and the fence commences at the front portion of the building and runs to the side, the fence is in compliance.

Commissioner Ridgill questioned if Mr. Johnson had 2 lots and if the parking spaces were in the front of his building outside the fenced area. Mr. Johnson confirmed that he does have 2 lots and the parking spaces are in the front of his building and are outside the fenced area. Commissioner Ridgill then stated she would probably vote to grant the appeal.

Commissioner Rodriguez stated if they, as the commission, are not happy with the fence height or location or the type of business that is at that location, they have the opportunity to change that, but feels it is too late to change what is already there.

Mayor Roland closed the Public Hearing.

**Vice Mayor Petersen made a motion, seconded by Commissioner Rodriguez, to approve the recommended appeal be granted with the stipulation the barbed wire extensions be removed and the City rewrite the Code to stipulate exactly what it is that the City wants after this event. Vote 4 yeas, 1 nay (Commissioner Mali Gardner voted nay)**

Before the vote, Commissioner Gardner stated she will stand with her fellow Commissioners but feels this process is bypassing the City codes. She then changed her mind and stated she will not support something that is not in accordance with the City's code.

Vice Mayor Petersen requested City Manager Perry to have this code reviewed, clarified and cleared up and then come back to the Commission for review in 30 days.

3. **Rezone Request from B.A. Hospitality, LLC** - The matter for consideration before the City Commission is an application to rezone the property located at 318 West Pasadena Avenue, a/k/a E 1/3 of Lot 31 + all of Lot 32, Block 201, GPOC, from Single Family Residential (R-1B) to General Commercial (C). Within the City's adopted Comprehensive Plan, these two lots are presently designated on the Future Land use Map as US27 Commercial Corridor.

Mayor Roland opened the public hearing by stating the purpose of the public hearing was to discuss and accept input from all interested parties relative to B.A. Hospitality, LLC's request to rezone the property located at 318 West Pasadena Avenue, a/k/a E 1/3 of Lot 31 + all of Lot 32, Block 201, GPOC, from Single Family Residential (R-1B) to General Commercial (C). Within the City's adopted Comprehensive Plan, these two lots are presently designated on the Future Land Use Map as US 27 Commercial Corridor. The applicant's proposed use of these lots with fourteen other existing commercial lots within Block 201 is to construct a 4-story hotel. Pursuant to the City Code, Section 110-395 (13), this is an allowable use within the General Commercial District. He asked that all citizens desiring to speak on the matter identify themselves by name and address. He stated all public comments would be incorporated into the official minutes of the meeting. City Manager Perry summarized the Rezone Request from B.A. Hospitality, LLC. City Manager Perry stated the public hearing was advertised in the Clewiston News on April 21, 2016. Since this matter represented a quasi-judicial proceeding, City Attorney Schoech swore in all individuals testifying on this matter.

Crystal Sands, Attorney for McGahee & Perez, who represents B.A. Hospitality, LLC, addressed the Commission stating this rezone request does fall within the Future Land Use Map.

Jessie Lee, who resides on Pasadena Avenue, addressed the Commission stating he would like to request a wall or fencing be installed to keep commercial traffic and people off Pasadena Avenue.

Community Development Director Travis Reese stated this is a continuation from the rezone request in 2006. He stated all of the South side of Pasadena Avenue is for commercial use as stated in the Comprehensive Plan revised in July of 2015. The City is currently working on a new zoning ordinance for the Highway 27 Corridor.

Commissioner Gardner questioned Mr. Reese if the parking would be accessed only from Highway 27, if the parking would be on the south side facing the existing alley and if landscape buffering would be used. Mr. Reese responded yes to the questions and also stated it is possible those plans could change.

Attorney Antonio Perez, who represents B.A. Hospitality, LLC, addressed the Commission stating this is a rezone request only. The project is not before the Commission at this time. The information regarding the proposed land use was given only to give the Commission an idea of the applicant's intentions. The rezone request is consistent with the Comprehensive Plan and the development intentions for the entire block.

Commissioner Ridgill stated unless there has been an Ordinance change that is not in Municode, Section 110-399 of the City's Code of Ordinances states no building shall be more than 35' in height and 3 stories. Mr. Reese stated he believes there is a variance on the other lots owned by the applicant to exceed the maximum 3-story building requirement. Commissioner Gardner requested a copy of the variance. Mr. Reese stated this is a rezone request and there is nothing in the City's code that requires the applicant to give any other information.

Commissioner Ridgill asked Mr. Reese if an ordinance regarding a grant the City just received would impact this project, if he was going to provide the Commission with a copy of the variance that was issued and if the variance was issued on residential lots. Mr. Reese stated the ordinance could impact this project, he would instruct the Clerk to get a copy of the variance to the Commission and his recollection was the lots were rezoned to commercial before the variance was issued. Director Reese stated if the applicant wanted to build a 4-story structure on this property, he would still have to request a variance for this property and all property owners within 200' of the property would be notified by mail.

City Manager Perry left the meeting at 6:48 p.m. and Police Chief Gutshall took his seat.

Mayor Roland closed the Public Hearing.

**Vice Mayor Petersen made a motion, seconded by Commissioner Gardner, to approve the rezoning so that it is consistent with the Comprehensive Plan of the Future Land Use Map reflects at this time. Vote 5 yeas, 0 nays**

4. **Tabled to July 18, 2016 Meeting - Special Exception for Clewiston Commons, LLC** – Pursuant to Chapter 110-395 of the City Code, Clewiston Commons, LLC is requesting a special exception to the permitted use standards for the properties located at 810 and 831 East Sagamore Avenue in order to use a Mobile Home/RV Park. The subject property is zoned Commercial.

## **ORDINANCE**

5. **Ordinance No. 2016-02 - First Reading** – Approval of this ordinance is needed to finalize the rezone request from B.A. Hospitality, LLC.

Police Chief Don Gutshall read Ordinance No. 2016-02 by title.

**Commissioner Gardner made a motion, seconded by Vice Mayor Petersen, to approve Ordinance No. 2016-02 on first reading and set the public hearing for June 20, 2016. Vote 5 yeas, 0 nays**

#### **MISCELLANEOUS ACTION AND DISCUSSION ITEMS**

- 6. Approval of final payment in the amount of \$3,402 to David's Carpentry and Concrete, Inc. for the 2016 Sidewalk Replacement Project – City Manager Perry**

**Commissioner Gardner made a motion, seconded by Commissioner Ridgill, to approve final payment of \$3,402 to David's Carpentry and Concrete, Inc. pending final release of lien. Vote 5 yeas, 0 nays**

- 7. Approval of proposed State Highway Lighting Maintenance, and Compensation Agreement for FY 16/17 - City Manager Al Perry**

**Vice Mayor Petersen made a motion, seconded by Commissioner Ridgill, to approve the FDOT State Highway agreement for FY 16/17 in the amount of \$12,478.28 and authorize the City Manager to sign. Vote 5 yeas, 0 nays**

- 8. Approval of Hope Hospice and Community Services, Inc. Lease – This lease is for a portion of the JBB Senior Citizens Building. The present lease expires June 1, 2016. The rent is \$400 per month including utilities.**

There was a general discussion regarding the monthly utilities average being about the same and sometimes exceeding the monthly lease amount. Commissioner Gardner feels the rent should be at least \$500 per month.

Commissioner Ridgill stated she believes the County has a higher usage percentage of this building than the City. Recreation Director Lance Ramer agreed and stated the County usage is 85%.

**Commissioner Gardner made a motion, seconded by Vice Mayor Petersen, to table this item to June 20, 2016 so the City can discuss the renegotiation of this lease, seconded by Petersen, all in favor. Vote 5 yeas, 0 nays**

- 9. Approval of Amendment Number One to Department of Economic Opportunity Grant Agreement No. PO160 – This amendment increases the total funding amount under this agreement to \$30,000 and amends Section 4, Deliverables, of Attachment 1, Scope of Work, to add Deliverable 5.**

**Commissioner Gardner made a motion, seconded by Vice Mayor Petersen, to approve Amendment Number 1 to Department of Economic Opportunity Grant Agreement No. PO160, authorizing the Mayor to sign, thereby authorizing additional payment of \$5,000 to Southwest Florida Regional Planning Council for Scope of Work, Deliverable 5, which includes amending the business district zoning regulations to implement the goals of the Main Street Revitalization Plan within the target area. Vote 5 yeas, 0 nays**

- 10. Approval of State Revolving Fund Amendment 2 to Loan Agreement WW260410 – The purpose of this amendment is to provide more time for the construction of the master lift station.**

**Commissioner Gardner made a motion, seconded by Commissioner Ridgill, to approve the State Revolving Fund Amendment 2 to Loan Agreement WW260410 and authorize the Mayor to sign. Vote 5 yeas, 0 nays**

- 11. Discussion regarding vacating a portion of the road right-of-way/easement of North Francisco Street adjacent to the former Wayside RV Park – City Manager Al Perry**

Ramon Iglesias, on behalf of Clewiston Marina, Inc., presented a handout to the Commissioners consisting of aerial pictures from the Hendry County Property Appraiser's website and an email from Shane Parker, Hendry County Engineer, which stated Francisco Street is not a county road but the County will support and provide no objection should the City of Clewiston decide to vacate this portion of the road right-of-way/easement. There was a general discussion regarding the ownership of this portion of Francisco Street that is adjacent to Wayside Park. It was the general consensus of the Board, they believed Francisco Street is owned by the County. Mr. Iglesias stated Clewiston Marina, Inc. owns the property on each side of the portion of the road that is adjacent to Wayside Park and is requesting the road be abandoned at this time. Mayor Roland questioned Mr. Schoech if the City could quit claim any rights they may have to Clewiston Marina, Inc. Attorney Schoech stated it would be cleaner if there was a title search to determine ownership because a Quit Claim Deed would not extinguish a road right-of-way if there is one. Commissioner Gardner stated there has always been a question of ownership and feels the City should go ahead and pay for the title search. Community Development Reese stated the application process to vacate or abandon the road must be followed and there are requirements to notify certain agencies to get no objection letters. He cautions the Commission to not abandon the road right-of-way without taking easements and possession into consideration. He also noted a title search is required by the applicant as part of the application process.

The Commission agreed a title search must be done to determine the ownership of the road right-of-way/easement.

**12. Discussion regarding the West Pasadena Drainage Project including overall bid requirements and expectations** – Commissioner Ridgdill asked that this item be placed on the agenda.

Commissioner Ridgdill stated the purpose of this request is to discuss future contracts and add supplemental conditions of the contractor for bid requirements and to allow anyone with any unresolved issues resulting from the West Pasadena Drainage Project to come before the Commission. Staff will discuss supplementary conditions and bring back their recommended supplementary conditions to the Commission in June. Commissioner Gardner stated she received correspondence from a Pasadena Avenue resident who felt information was not given to them in a timely manner and they did not receive updates on the project. Vice Mayor Petersen stated she received complaints about standing water but those residents are much happier now but stated they too wish the City would have communicated with them more regarding this project.

Mayor Roland stated the City was not happy with the contractor. Mayor Roland questioned Director Scheffler if it was the Contractor's responsibility to take care of the grass. Director Scheffler stated the Contractor is responsible until the City accepts the project.

City Engineer Scott Jones addressed the Commission and discussed items the contractor needs to complete.

There was a general discussion regarding the contractor exceeding the time limit for the project and the financial penalties involved. City Engineer Jones stated the City had received a surety bond on the project. Commissioner Ridgdill asked Attorney Schoech for any recommendations for this issue, knowing the City has a surety bond. Mr. Schoech stated he would meet with the City Engineer and Utility Director in order to make a recommendation to the Commission. City Engineer Tommy Perry suggested writing a stern letter to the contractor with a list of items needing to be completed along with a definite date for the completion.

City Engineer Tommy Perry suggested writing a very stern letter to the Contractor with a date that items need to be completed. City Engineer Perry stated Scott Jones will meet with City Manager Perry tomorrow morning to discuss the letter.

Vice Mayor Petersen and Commissioner Ridgdill questioned if the Contractor had exceeded the 10% holdback. City Engineer Perry stated he did not have the calculations at this time.

Attorney Schoech stated the City needs to see if the City could look to the performance bond for payment.

Ernesto, a business owner in the City of Clewiston, addressed the Commission stating there were many people who were not happy with this project and questioned if the City does a background check on a Contractor before entering into an agreement. Mayor Roland responded and stated the City does check the Contractor's background.

Commissioner Gardner requested City Manager Perry give the Commission an update on the next steps of this project after meeting with the engineers and City staff and to also include Attorney Schoech in that email.

Vice Mayor Petersen stated she feels City staff needs to communicate more with residents.

- 13. Discussion - Consideration of utilizing Golf Course Capital Improvement Fees to fund a capital improvement project of redoing the Golf Course greens during FY 2015-16 –** The Golf Course Advisory Board has submitted a letter of request for Commission consideration of a capital improvement project to redo the Golf Course greens during FY 2015-16 with funds derived from Golf Course Capital Improvement Fees.

Commissioner Gardner stated she has questions regarding this agenda item and would like to have a special meeting to discuss this item.

**Commissioner Gardner made a motion, seconded by Vice Mayor Petersen, to recess this item to Monday, May 23, 2016 with a time to be decided by staff. Vote 5 yeas, 0 nays**

- 13A. Request for Approval of final payment in the amount of \$3,530 to MCM Paint & Flooring for the 2016 Building Painting Project –** The 2016 Building Painting Project, totaling \$35,300 is nearing completion. Staff is requesting approval of final payment in the amount of \$3,530 to MCM Paint & Flooring pending Staff and City Manager approval of job and final release of lien.

There was a general discussion regarding this project not being complete at this time.

**Commissioner Gardner made a motion, seconded by Commissioner Ridgdill, to recess Agenda Item 13A to Monday, May 23, 2016. Vote 5 yeas, 0 nays**

- 14. Departmental Monthly Activity Reports -** Presented for information only.

Commissioner Ridgdill requested accountability reports from all departments be included in the Agenda notebook.

**PUBLIC COMMENTS -** Attorney Antonio Perez addressed the Commission stating Highway 27 needs to be redeveloped. The City previously discussed closing the alleys and moving the utilities, but he doesn't feel the City has prioritized that project.

Commissioner Ridgdill suggested the City may need a mentor program to help new businesses determine the location where they need to be and help with code problems. She suggested the Economic Development Council may help with that type of program. Commissioner Gardner stated she agrees the Commission needs to give clear direction on what is expected for the Main Street Revitalization, but feels the City is facing many issues at this time. Attorney Perez requested the City not use the Economic Development Council because an Executive Committee Member of the Economic Development Council is fighting to keep the RVs in place behind the Sunrise Restaurant.

Ernesto, a business owner in the City of Clewiston, addressed the Commission stating his frustrations with the code violations for his business. Commissioner Gardner stated Code Enforcement Officer Debbie McNeil is fighting issues and holding all owners accountable. The City is enforcing the Code.

**COMMENTS FROM CITY MANAGER -** none

**COMMENTS FROM THE CITY ATTORNEY -** none

**COMMENTS FROM THE CITY COMMISSION** – Commissioner Ridgdill stated at the Workshop on May 12, 2016, she requested the rental inspection discussion be included on the agenda for the June 20, 2016 meeting and an update regarding a joint meeting with the County to negotiate the Interlocal Agreement. She stated she wanted to know the final date of the red light cameras. Police Chief Gutshall stated the final date would be six months from December 31, 2016. Attorney Schoech stated his recommendation is the City should re-notice the termination with a second notice. Commissioner Ridgdill also stated the City's sign ordinances have to be updated. Attorney Schoech explained based on a recent Supreme Court Case, distinguishing between signs is regulating content, which is unconstitutional. All need to be referred to as temporary non-commercial signs and need to be treated the same. Commissioner Ridgdill also stated there is information that is not on the website and feels City staff should do a better job utilizing the City's website and update information on a timely basis. Vice Mayor Petersen and Commissioner Gardner stated staff has been short-handed and there have been many changes and believe staff will soon catch up. Vice Mayor Petersen stated we may want to look at ways to get up to the minute information or storm updates out to the citizens similar to the Police Department's Facebook page. Commissioner Gardner requested Chief Gutshall relay to City Manager Perry to discuss with staff the communication issue. Finance Director Shari Howell stated she wanted to clarify City staff had been very short staffed for about 6 months and had been working very hard. She also clarified the minutes have been done and approved.

Commissioner Gardner stated the FEMA maps for the City of Clewiston and Hendry County do not represent the City's storm water engineering. She stated Palm Beach County fought FEMA because the FEMA maps for Palm Beach County treated some communities as swampland and showed that no storm water engineering had taken place. She feels we need to formally meet with the County regarding this matter. Mayor Roland stated City Manager Perry stated he was going to talk to Palm Beach County Commissioner Melissa McKinlay and the City of LaBelle Administrator regarding the matter. Commissioner Gardner requested Police Chief Gutshall make sure City Manager Perry follows up with the Commission after his conversation with Commissioner McKinlay. Commissioner Gardner stated there was an article in the Palm Beach Post regarding the besieging of residential neighborhoods by sober homes. She had concerns with sober homes possibly moving from Palm Beach County into the City of Clewiston. There is going to be a joint statement in August from HUD and the Department of Justice to provide guidance to communities on making sure sober homes are not tearing down the quality of life in local neighborhoods. She asked Attorney Schoech if the City can reject sober homes until the joint statement is made in August. Attorney Schoech stated he would research the matter. Code Enforcement Officer Debbie McNeil stated there is a very strong ordinance the City should have in place. Commissioner Gardner also stated she had pictures and was concerned with what is happening in front of the hotels on Highway 27. Commissioner Gardner also requested Community Development Director Reese make sure there is no activity in the Hungry Howie's building. Commissioner Gardner also stated the City is growing and changing and she feels the City needs an in-house legal attorney. She stated Attorney Schoech has served the City well, but feels staff needs someone who is readily accessible to give daily guidance and counsel.

**Commissioner Ridgdill made a motion, seconded by Commissioner Gardner, to recess the meeting until Monday, May 23, 2016 at 5:00 p.m. at 8:26 p.m.**

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Phillip Roland, Mayor

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Kathy Combass, Interim City Clerk