

CITY OF CLEWISTON
Regular Commission Meeting
April 17, 2017

The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, April 17, 2017. The meeting was called to order at 5:00 p.m. by Mayor Gardner. Pastor Jim Yates of Clewiston Gospel Ministries gave the invocation and the audience joined in reciting the Pledge of Allegiance.

Commissioners Present: Mayor Mali Gardner, Vice Mayor Michael Atkinson, Commissioner Kristine Petersen, Commissioner Julio Rodriguez and Commissioner Phillip Roland.

Personnel Present: City Manager Al Perry, Interim City Clerk Mary K. Combass, Finance Director Shari Howell, Interim Police Chief Aaron Angell, Recreation Director Lance Ramer, Public Works Director Sean Scheffler, Community Development Director Travis Reese, Lynne Mila, Debbie McNeil, Osmel Fonseca, City Engineer Scott Jones and City Attorney Gary Brandenburg.

Visitors Present: Jerry Cochrane, Asa and Betty Godsey, Skip Simmonds, William Pflum, Ruben Puente, Lisa Walker, Raoul Bataller, Terry Gardner, Jennifer Black, Andy Tilton, Antonio Perez, Harry Patel and Pedro Diaz.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA – City Manager Perry stated that Agenda Item No. 6 will be pulled and Resolution No. 2017-05 is added as Agenda Item No. 7A. He also stated there is an award presentation.

CLEWISTON ELKS AWARD PRESENTATION - Skip Simmonds of the Clewiston Elks addressed the Commission and presented Public Works employee Osmel Fonseca with a plaque in honor of his service to the community. Public Works Director Sean Scheffler also expressed his appreciation to Mr. Fonseca. City Manager Perry stated the Clewiston Elks also previously recognized Kyler Hodge, Police Officer of the Year; Loretta Melanson, Police Department Employee of the Year; and Pedro Rangel, Fireman of the Year.

1. Consent Agenda

- A. *Commission Workshop Minutes – March 16, 2017*
- B. *Commission Meeting Minutes – March 20, 2017*
- C. *Acceptance of FDLE Subgrant Award Number 2017-JAGD-HEND-1-F8-034, Mobile Communications Upgrade P25 Project in the amount of \$3,221*
- D. *Purchase of July 4th Fireworks from Zambelli Fireworks in the amount of \$12,000*
- E. *Letter of Support regarding Airglades Airport Project*

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve the Consent Agenda. Vote 5 yeas, 0 nays

PUBLIC HEARINGS

- 2. Public Hearing - Ordinance No. 2017-06 – Final Reading** - Ordinance No. 2017-06 allows for the reduction of rear yard setbacks in the R-3 Multi-Family Residential District when the lot abuts an alley, amending Section 110-316, Lot and Building Requirements.

Mayor Gardner summarized and read Ordinance No. 2017-06 by title. She stated that official notice of the public hearing was advertised accordingly and opened the public hearing to accept input from any interested parties.

Mr. Jerry Cochrane, Planning and Zoning Board Member, addressed the Commission and expressed that he is not in favor of approval of this ordinance. He feels that each lot abutting an alley in the R-3 Multi-Family Residential District should be considered separately or individually. Community Development Director Travis Reese presented a drawing to the Commission highlighting the lots abutting alleys in the R-3 Multi-Family Residential District. He explained the purpose of this ordinance is to allow more development. He stated the alleys in this district were service alleys but they are no longer used for service.

He also stated that he feels because the alleys contain utilities, they should not be abandoned. Commissioner Rodriguez questioned if the highlighted lots were developed. Director Reese responded that most of the lots were developed but the homes could eventually be demolished and rebuilt to use the alley as the additional setback. Mayor Gardner suggested declaring the portion of the alleys that is not needed as an easement, as surplus and give the adjacent property owners the option to purchase them. She expressed that she did not feel the City should allow public property to be used by the adjacent property owners to reduce their setbacks as no one else has that benefit. Director Reese agreed to communicate with City Manager Perry and set up a technical review of the matter and come back with a recommendation to the Commission. Commissioner Roland expressed that he is in favor of this ordinance. Director Reese stated there are some but very few cities that allow property owners to use the alleys to reduce setbacks. He explained the higher the density of the property, the taxes for city services will be more. He also stated there will be a higher density in certain areas of town. Commissioner Petersen questioned if there was a way to postpone this matter to allow staff a chance to review. City Attorney Brandenburg stated this public hearing could be postponed until the next meeting. As there were no further comments, Mayor Gardner closed the public hearing. Commissioner Rodriguez expressed that he supports this ordinance and does not feel that the public hearing needs to be postponed.

Commissioner Rodriguez made a motion, seconded by Commissioner Roland, to approve Ordinance No. 2017-06 on final reading and authorize the Mayor to sign. Vote 2 yeas, 3 nays (Commissioners Rodriguez and Roland voted yea and Commissioners Gardner, Atkinson and Petersen voted nay) Motion failed.

Mayor Gardner requested staff to come back with a recommendation on this matter.

3. **Public Hearing - Ordinance No. 2017-07 – Final Reading** - Ordinance No. 2017-07 allows the reconstruction of single-family homes on 50' wide lots in the R-1B zoning district, as long as an occupied single-family home existed on the same lot within the last five years, amending Section 110-218, Lot and Building Requirements.

Mayor Gardner summarized and read Ordinance No. 2017-07 by title. She stated that official notice of the public hearing was advertised accordingly and opened the public hearing to accept input from any interested parties. As there were no comments or questions, Mayor Gardner closed the public hearing.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Ordinance No. 2017-07 and authorize the Mayor to sign. Vote 5 yeas, 0 nays

ORDINANCES

4. **Ordinance No. 2017-08 – First Reading** – Ordinance No. 2017-08 amends Section 110-2 of the Zoning Code to modify the definition of extended stay hotel and motel to eliminate the requirement for a dishwasher.

Mayor Gardner read Ordinance No. 2017-08 by title.

Commissioner Roland made a motion, seconded by Vice Mayor Atkinson, to approve Ordinance No. 2017-08 on first reading and set the public hearing for May 15, 2017. Vote 5 yeas, 0 nays

5. **Ordinance No. 2017-09 – First Reading** – Ordinance No. 2017-09 amends Article V, Division 11, Industrial District, Section 110-435, allowing maximum building height of 55 feet.

Mayor Gardner read Ordinance No. 2017-09 by title.

Commissioner Roland made a motion, seconded by Commissioner Petersen, to approve Ordinance No. 2017-09 on first reading and set the public hearing for May 15, 2017. Vote 4 yeas, 0 nays (Vice Mayor Atkinson abstained)

6. **Deleted - Ordinance No. 2017-10 – First Reading** – Ordinance No. 2017-10 amends the Commerce Park Industrial District (CPID), Sections 110-493 through 110-500 of the Clewiston Code of Ordinances.

RESOLUTION

7. **Resolution No. 2017-04** – Resolution No. 2017-04 amends the fiscal year 2016 – 2017 budget to reflect grant funding in the total amount of \$78,832.

Finance Director Shari Howell addressed the Commission and stated that this resolution will make the budget current.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve Resolution No. 2017-04 and authorize the Mayor to sign. Vote 5 yeas, 0 nays

- 7A. **Resolution No. 2017-05** – Resolution No. 2017-05 favors the retention, storage and treatment of water north of Lake Okeechobee to reduce the risks of unclean releases from Lake Okeechobee.

Mayor Gardner read Resolution No. 2017-05.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2017-05 and authorize the Mayor to sign. Vote 5 yeas, 0 nays

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

8. **Approval of Agreement No. 4600003532 between the South Florida Water Management District and the City of Clewiston providing financial assistance to the City of Clewiston for the Ventura Avenue Drainage and Water Quality Project (This matter was pulled from the March 20, 2017 Clewiston City Commission Agenda)** - This agreement provides up to \$175,000 in funding for the Ventura Avenue Drainage and Water Quality Project with the understanding there is a 25/75 share of project construction expenses between the South Florida Water Management District and the City of Clewiston.

Finance Director Shari Howell addressed the Commission and stated that she was asked to contact the South Florida Water Management District to see if consideration of forgiveness of the match would be given since the City is in the area of rural economic concern. She was told that the forgiveness is not something that is likely to happen. She stated this project was not planned to occur this year and the only possible solution to accept the funding and approve the agreement would be to borrow funds from utilities for the match.

City Engineer Scott Jones addressed the Commission and explained that he was directed to prepare a conceptual design including costs to improve the drainage. He stated the project was cut back because the DOT can overlay the road but cannot participate in the drainage and the SFWMD can't help with the drainage if it is a water quality project. He indicated the plans could be used in the future.

Mayor Gardner explained that it was originally thought this project was going to be 100% funded. Commissioner Roland asked if the 25% match could be included in the budget for next year. City Attorney Brandenburg said the City could not sign the contract at this time. The City could enter into the contract next year once the funds are budgeted. Mayor Gardner said that she would not be in favor of borrowing the funds from ourselves at this time. Commissioner Rodriguez asked if there was a time certain on this project. City Engineer Jones said there is not an emergent need at this time, however the agreement is for this year; funding may or may not be available next year.

Commissioner Rodriguez made a motion, seconded by Commissioner Petersen, to reject Agreement No. 4600003532 between the South Florida Water Management District and the City of Clewiston. Vote 5 yeas, 0 nays

9. **Consideration of Public/Private Partnership with B.A. Hospitality, LLC** – The Developer, B.A. Hospitality, LLC, wishes to enter into an agreement with the City of Clewiston regarding the relocation and construction of infrastructure for the purpose of constructing a Hampton Inn hotel at the NW corner of W.C. Owen Avenue and Sugarland Highway.

Mayor Gardner explained the City has applied for a grant for the infrastructure relocation and construction, but because it is not known at this time if grant funding will be available, the Commission discussed using City Impact Fees to complete the improvements at the April 12, 2017 Commission Workshop. She also stated a letter was received from the City Engineer regarding this matter after the Workshop.

Commissioner Rodriguez said he feels it is important that the Developer is aware of the discussion regarding the guarantee of the water flow for fire suppression at the April 12, 2017 Commission Workshop. Community Development Director Travis Reese addressed the Commission and explained that the City could not guarantee the flow; a third party should be hired by the Developer to guarantee that flow. Utilities Director Danny Williams expressed that he feels the flow would be sufficient. City Engineer Scott Jones stated that City Engineer Tommy Perry certified the water and sewer capacity but will not guarantee the water flow for fire suppression and in his letter to the Developer said that it is not the City's responsibility to guarantee the water flow. He also stated that City Engineer Perry's letter states that the City could certify the electric capacity.

Mayor Gardner stated for the record, the City is going to pay for the relocation of the water and sewer using the impact fee reserves and will respond to the letter stating the guaranteed flow will be done by a third party; the City will not guarantee the flow under any circumstances.

Mr. Jerry Cochrane addressed the Commission and suggested constructing an 8" pipe instead of a 6" pipe for future development. City Engineer Jones said it is worth considering an 8" line for the purpose of fires. He also stated that you have to balance the volume of pipe to velocity for fires. He further stated that it is something that has been considered and will continue to be considered. Mayor Gardner requested City Manager Perry to make sure the City does what is best for future development.

Vice Mayor Atkinson stated that he wanted to make sure the City was not paying the Comcast, CenturyLink and Fiber optic fees. Mayor Gardner confirmed the City was not going to pay those fees.

Commissioner Rodriguez requested an update on this project. Director Reese stated that the Development Order was issued about 30 days ago. City Engineer Jones confirmed their letter was delivered to the Developer on April 14, 2017. Harry Patel of B.A. Hospitality, LLC, stated that he should be able to drop off the permit package tomorrow or the day after and he would be ready once the permit is issued.

Commissioner Roland made a motion, seconded by Commissioner Rodriguez, to authorize the use of the City's Impact Fees for the relocation and construction of infrastructure for the purpose of constructing a Hampton Inn hotel at the NW corner of W.C. Owen Avenue and Sugarland Highway. Vote 5 yeas, 0 nays

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

PUBLIC COMMENTS – Williams Pflum addressed the Commission and expressed that he feels that he was not treated fairly regarding access to utility easements. Mayor Gardner stated that his easement issue had to be addressed and everyone in his neighborhood was treated fairly. She also stated the Utilities Director, Code Enforcement Officer and City Manager have all been there and feel all issues have been addressed. Code Enforcement

Officer Debbie McNeil addressed the Commission and explained that she responded to every complaint from Mr. Pflum and his neighbors and if it was a valid code violation, she noticed the party and made them resolve their issue. She confirmed that she has looked over the neighborhood and has addressed all code issues. Mayor Gardner stated that she feels all code issues have been addressed and there is nothing else that City staff can do at this time.

COMMENTS FROM CITY MANAGER – City Manager Perry presented a copy of a magazine article about the Clewiston Golf Course to the Commission. He also stated that he and Interim Police Chief Aaron Angell are going to expedite the golf cart matter. They are planning to meet with the Department of Transportation on the matter. He further stated that it is his 4-year anniversary with the City and that it is an honor to serve the City and work with everyone.

COMMENTS FROM THE CITY ATTORNEY - none

COMMENTS FROM THE CITY COMMISSION – Commissioner Roland stated that he would like Resolution No. 2017-05 regarding the water storage to be mailed to all cities and counties around the Lake, all cities south of the Lake, legislators and senators, the Governor and everyone in the South Florida Water Management District. City Manager Perry agreed to get emails and ask everyone to support the resolution.

Commissioner Roland opened a discussion regarding the basketball court location adjacent to the tennis courts. He said he understands there is some opposition to the basketball goals going back up. Mayor Gardner, based on complaints that she has heard, expressed that she feels that basketball is not compatible with tennis and pickle ball and stated that she had asked City Manager Perry to wait until this matter was discussed before putting the goals back up. Mayor Gardner stated that she feels a lighted basketball court should be located at Trinidad Park. Commissioner Rodriguez expressed that he feels there would be a problem with the Trinidad Park location because it is a residential area. He suggested using Sugarland Park as the location for the basketball court and moving the lights to that area to light the courts. He also expressed his concern that the City has spent a lot of money to resurface the courts and the courts are being scuffed because they are being used for everything else other than basketball. City Manager Perry expressed that he is not in favor of basketball courts at Sugarland Park because of vandalism. Commissioner Roland noted that there is more activity on the basketball court than tennis or pickle ball. Vice Mayor Atkinson expressed that he is in favor of keeping the basketball court at the current location because the court is lit and is in the center of town. Commissioner Petersen noted that the complaints that she received came from tennis coaches. Ms. Lisa Walker addressed the Commission and stated that she is in favor of keeping the basketball court at the current location. She expressed that she feels it is a place for some people to retreat from other areas of town and suggested the City patrol the area, put timers on the lights and post signs prohibiting loud noises, profanity and littering. She also stated that she feels the City needs a youth development center. Commissioner Roland suggested placing a basketball half-court outside the fence on the asphalt area. Mayor Gardner expressed that she felt Commissioner Roland's suggestion is a great compromise. Commissioner Rodriguez said he would support that project. It was noted that it was not the Commission's decision to replace the tennis court with the basketball court years ago. Mayor Gardner stated that she agreed with Commissioner Rodriguez's suggestion of moving the basketball court to Sugarland Park and asked staff to come back with more information and options.

Vice Mayor Atkinson made a motion, seconded by Commissioner Roland, to put the basketball goals back up temporarily until staff has time to figure the costs of other options. Vote 4 yeas, 1 nay (Mayor Gardner voted nay)

Mayor Garner stated that any complaints will be followed up by the Police Department. She also stated the foul language, loud music and fighting is not acceptable. She further stated that she would like to hear the concerns from the tennis coaches and anyone in the tennis program regarding this matter. Commissioner Roland stated that he feels the basketball court should be closed during a tennis match.

Commissioner Petersen expressed that she feels the issue regarding rear yard setbacks in the R-3 Multi-Family Residential District on lots abutting alleys should be reviewed. She stated that multi-family housing is needed and she would like more information about the options that Mayor Gardner suggested regarding that matter.

ADJOURNMENT

The meeting was adjourned at 6:44 p.m.

Mali Gardner, Mayor

Mary K. Combass, Interim City Clerk