

CITY OF CLEWISTON
Regular Commission Meeting
March 20, 2017

The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, March 20, 2017. The meeting was called to order at 5:00 p.m. by Mayor Gardner. Ivan Cerda of Iglesia Vida Nueva 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, Utilities Director Danny Williams, Recreation Director Lance Ramer, Interim Police Chief Aaron Angell, Library Director Ava Barrett, Public Works Director Sean Scheffler, Community Development Director Travis Reese, City Engineer Scott Jones, Lynne Mila, Debbie McNeil and Karen Moore

Visitors Present: Jerry Cochrane, Laura Smith, Asa and Betty Godsey, Keith Pflum, Hillary Hyslope, Ivan Cerda, Andy Tilton and Raoul Bataller

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA – City Manager Perry stated that Consent Agenda Item J is added to the Consent Agenda and Agenda Items 5, 10, 11 and 12 will be pulled from the Agenda.

1. Consent Agenda

- A. *Special Commission Meeting Minutes – February 15, 2017*
- B. *Commission Workshop Minutes – February 16, 2017*
- C. *Commission Meeting Minutes – February 20, 2017*
- D. *Proclamation – Donate Life Month – April 2017*
- E. *Proclamation – Kids to Parks Day – May 20, 2017*
- F. *Event Application – High Heel-A-Thon – April 8, 2017*
- G. *Event Application – Alan Jay Car Sale – April 19, 2017 through April 23, 2017 – pending Fire Marshal approval of Fire Safety Permit Application*
- H. *Event Application – Eastside Elementary 5K Color Run – April 29, 2017*
- I. *Memorandum - Authorization to present firearm to retired Police Chief Gutshall*
- J. *Memorandum – Authorization to transfer funds to and distribute funds from Forfeiture Account*

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. 2017-01 – Final Reading** - Ordinance No. 2017-01 creates Chapter 110, Article II, Division 2, Section 110-63 of the Clewiston Code of laws and ordinances, entitled “Reasonable Accommodation Procedures” to protect persons with disabilities due to substance abuse and the general public.

Mayor Gardner opened the public hearing. She summarized Ordinance No. 2017-01 and read it by title. She stated that official notice of the public hearing was advertised in the Clewiston News on February 23, 2017. As there were no comments, Mayor Gardner closed the public hearing.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Ordinance No. 2017-01 and authorize the Mayor to sign. Vote 5 yeas, 0 nays

3. **Public Hearing - Ordinance No. 2017-04 – Final Reading** - Ordinance No. 2017-04 allows the reconstruction of single-family homes on 50' wide lots in the R-2 and R-3 zoning districts, as long as an occupied single-family home existed on the same lot within the last five years, amends Section 110-287, Lot and Building Requirements.

Mayor Gardner opened the public hearing. She summarized Ordinance No. 2017-04 and read it by title. She stated that official notice of the public hearing was advertised in the Clewiston News on March 2, 2017. Commissioner Roland asked why the reconstruction is only allowed if the occupied single-family home existed on the same lot within the last five years. Community Development Director Travis Reese stated this ordinance was intended mainly for occupied homes and its intent is to limit the amount of hardship variances from homeowners. He further stated that he didn't want it to be a simple blanket ordinance and that he and the Planning and Zoning Board felt the time of five years was sufficient. Commissioner Roland stated that he did not feel there should be a hardship at all. Mayor Gardner stated she is in favor of this ordinance and feels the time of five years is sufficient. Commissioner Rodriguez asked if someone purchases a 50' wide vacant non-conforming lot, would they have to come before the Commission to request a variance. Director Reese explained this ordinance would not apply and the owner would need to apply for a variance but it would be difficult for them to meet the hardship clause. Director Reese also noted that the hardship variance fees were reduced to \$500.

Laura Smith, local resident and realtor, addressed the Commission and asked if a new building replacing a non-conforming home that burned down would need to be the same footprint as the original building. Director Reese stated that the new building would not have to be the same footprint but would have to be conforming; any accessory non-conforming structures that may still be located on the property would need to be removed. Ms. Smith also stated that she feels that all 50' vacant lots would be a better tax base if the property owners were allowed to build on the lot rather than the lot remaining vacant. Mayor Gardner stated that she is comfortable with the ordinance that is before them today and did not want to do a blanket ordinance at this time.

As there were no further comments, Mayor Gardner closed the public hearing.

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

4. **Public Hearing - Ordinance No. 2017-05 – Final Reading** - Ordinance No. 2017-05 creates Sec. 42-1 of the Code of Ordinances, setting forth the City's Anti-Discrimination Policy.

Mayor Gardner opened the public hearing. She summarized Ordinance No. 2017-05 and read it by title. She stated that official notice of the public hearing was advertised in the Clewiston News on March 2, 2017. Mayor Gardner stated for the record that this ordinance is connected with the City's efforts in applying for federal grants. As there were no further comments, Mayor Gardner closed the public hearing.

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

5. **Deleted - Public Hearing - Special Exception Request from Gustavo A. Perez** – Pursuant to Section 110-62 of the City Code of Ordinances titled "Special exception", the applicant, Gustavo A. Perez, is requesting a special exception to City Code Section 110-435 pertaining to the maximum height of buildings in an industrially zoned area. He is proposing to construct a new two-story facility on Lots 5, 6 and 7 in Block 402 of the General Plan of Clewiston next to his existing facility located at 611 East Obispo Avenue, also known as the West ½ of Lot 10 and all of Lots 11 and 12 in Block 402 of the General Plan of Clewiston. The property is zoned I.

ORDINANCES

6. **Ordinance No. 2017-06 – First 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 read Ordinance No. 2017-06 by title and asked if there were any comments or questions regarding Ordinance No. 2017-06.

Jerry Cochrane, local resident and Planning and Zoning Board Member, informed the Commission the vote to approve this matter by the Planning and Zoning Board at the March 6, 2017 meeting was 3 to 2. Mr. Cochrane expressed that he is not in favor of approval of this ordinance and stated that he feels the property owners are trying to put a building that is too big on these lots. Commissioner Rodriguez stated that the Commission would like to reduce the number of applicants asking for variances or exceptions. He feels the Commission should try to find the best solution to problems. He stated that he is in favor of approving this ordinance and would rather have a building on a lot rather than a vacant lot. Director Reese noted there is a mix of lot depths in the R-3 Multi-Family Residential District that range from 105' to 130'. Mayor Gardner asked what effect this ordinance would have on the total ground coverage requirement for R-3 zoning in Sections 110-317, 110-318 and 110-319 of the Code of Ordinances. Director Reese explained the total ground coverage requirement would not change. There is no additional density. Mayor Gardner stated that she does not support this ordinance and feels that it is not in the City's best interest. She expressed that she would not be in favor of supporting this matter in any other districts and therefore would not be in favor of supporting it in the R-3 district only.

Commission Rodriguez made a motion, seconded by Commissioner Roland, to approve Ordinance No. 2017-06 on first reading and set the public hearing for April 17, 2017. Vote 3 yeas, 2 nays (Mayor Gardner and Vice Mayor Atkinson voted nay)

Commissioner Rodriguez added that he feels the Commission should amend any ordinances they are not happy with and they should be followed.

7. **Ordinance No. 2017-07 – First 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 read Ordinance No. 2017-07 by title and noted this ordinance is similar to Ordinance No. 2017-04 regarding the R-2 and R-3 zoning districts. She asked if there were any questions or comments regarding Ordinance No. 2017-07.

Laura Smith addressed the Commission and expressed her concern regarding the minimum lot area requirement of 14,000 square foot. Director Reese explained this ordinance reduces the minimum lot width at the building line from 90' to 50'. All other requirements remain the same. He further stated that if a lot does not meet the 14,000 square foot minimum, it would be non-conforming. After a brief discussion regarding the requirement for the minimum lot area in the R-1B zoning district, Mayor Gardner recommended that this matter be tabled so that staff can review the R-1B zoning district. City Attorney Brandenburg suggested the Commission approve Ordinance No. 2017-07 on first reading today and have staff review the issue before the public hearing on April 17, 2017.

Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez, to approve Ordinance No. 2017-07 on first reading and set the public hearing for April 17, 2017. Vote 5 yeas, 0 nays

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

8. **Approval of State of Florida Department of Environmental Protection Florida Recreation Development Assistance Program Grant Agreement No. A7085** – This agreement provides financial assistance in a maximum amount of \$50,000 in furtherance of

an approved public outdoor recreation project known as Trinidad Park, Phase II, Project Number A17085.

Recreation Director Lance Ramer addressed the Commission and stated that Phase II of the expansion of Trinidad Park includes renovation of some of the basketball courts, a new shade pavilion, bleachers, parking improvements, a drinking water fountain, and new restroom facilities. The due date to complete the project is July 2019.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve the State of Florida Department of Environmental Florida Recreation Development Assistance Program Grant Agreement No. A7085. Vote 5 yeas, 0 nays

9. **Approval of Mutual Non-Disclosure and Use of Information Agreement to Support Emergency Cyber Mutual Assistance** – FMPA recommends that the City of Clewiston participate in a Cyber Mutual Assistance Program in the event of a Cyber Security incident. This agreement is required to join the Cyber Mutual Assistance Program.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve the Mutual Non-Disclosure and Use of Information Agreement to Support Emergency Cyber Mutual Assistance. Vote 5 yeas, 0 nays

10. **Deleted - 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 agreement provides up to \$175,000 in funding for the Ventura Avenue Drainage and Water Quality Project with the understanding there is 50/50 share of project construction expenses between the South Florida Water Management District and the City of Clewiston.
11. **Deleted - Discussion regarding proposed regulations for the US27 Corridor Zoning District** – It is determined that it is in the City's best Planning and Zoning interests to modify the Zoning Code to provide for zoning regulations for the US27 Corridor District.
12. **Deleted - Discussion regarding maintenance of Solid Waste trucks** – Vice Mayor Michael Atkinson
13. **Departmental Monthly Activity Reports** - Presented for information only.

PRESENTATION OF PROCLAMATION IN RECOGNITION OF DONATE LIFE MONTH – APRIL 2017 – Mayor Gardner read a proclamation recognizing April 2017 as Donate Life Month. The Commission presented the proclamation to LifeLink Foundation, Inc.

PUBLIC COMMENTS – Jerry Cochrane addressed the Commission and asked if there was any new information regarding the overgrown lot in Ridgewood Subdivision. City Manager Perry stated US Sugar is not interested in clearing up the lot at this time and he did not believe they are interested in giving it back to the City. Mr. Cochrane expressed that he feels the lot should be cleared. Mayor Gardner asked City Manager Perry to follow up with US Sugar regarding this matter.

COMMENTS FROM CITY MANAGER – City Manager Perry commended City staff on their work preparing for the Sugar Festival and their performance during the Sugar Festival.

COMMENTS FROM THE CITY ATTORNEY - none

COMMENTS FROM THE CITY COMMISSION - Commissioner Petersen questioned if the City was in a position to do the summer camp background checks this year. Recreation Director Lance Ramer stated the Recreation Department will be doing the Level 2 background checks again this summer through Glades Initiative.

Commissioner Rodriguez stated that he feels staff should look at other options regarding the Park of Commerce requirements. Commissioner Roland expressed that he feels the City should wait before making any changes until the Airglades Airport Project is complete. Mayor Gardner stated there would not be any groundbreaking for the airport until 2018 and would like staff to go

ahead and look at this matter. Mayor Gardner stated that she would like to get some feedback from local and commercial realtors in the area on what issues they hear when the Park of Commerce is mentioned.

Commissioner Rodriguez stated that he would like the Clewiston Police Officers to patrol the neighborhoods more often and would also like them to visit new businesses and introduce themselves.

Mayor Gardner thanked the Sugar Festival Committee and City staff for doing a great job on the Sugar Festival. She stated a key to the City was presented to Major General John Davis at the festival and he in turn presented the City with a letter and a Two-Star General Flag. She expressed that she feels it is an honor to have received the flag.

Mayor Gardner thanked Library Director Ava Barrett for her service to the City of Clewiston as the Clewiston Public Library Director and wished her the best on her new position. Director Barrett stated that it was her pleasure and thanked City Manager Perry for the job he does to make things better for the City and thanked everyone for what they have allowed her to do. She also encouraged everyone to utilize what the Library has to offer. Commissioner Rodriguez stated that she will be missed.

Mayor Gardner asked City Manager Perry for an update regarding the golf cart matter. City Manager Perry explained that he is waiting on a response from FDOT on the traffic count regarding the golf carts crossing US27.

Mayor Gardner next asked City Engineer Scott Jones to remind City Engineer Tommy Perry that she would like a list of the engineering projects for the City of Clewiston that Johnson-Prewitt & Associates, Inc. is working on, where we are in the process and any issues that Engineer Perry would like to see resolved.

Vice Mayor Atkinson opened a discussion regarding the special exception request from Gustavo A. Perez regarding the maximum height of buildings in an industrially zoned area. City Attorney Brandenburg recommended increasing the height allowed in the industrial district. He also stated the Commission could approve an ordinance stating that additional height could be allowed in certain circumstances as a special exception. He further stated the Commission previously decided not to move forward with a similar ordinance allowing additional height by special exception in the commercial district. Mayor Gardner stated that she did not want to allow the additional height for all buildings in both the industrial and commercial districts. Attorney Brandenburg stated that his reason for suggesting the Commission allow a higher limit in the industrial district is if the additional height is not allowed for all buildings in a district, there must be a logical consistent basis related to the public health, safety and welfare for the differentiation. Director Reese stated that he agrees with Attorney Brandenburg but feels in other areas, he prefers the ordinance allowing special exceptions in certain circumstances. Vice Mayor Atkinson stated that he is the contractor for the applicant and will not vote on this matter. Director Reese stated the applicant has now re-applied for a text amendment to the code and that request will be included on the April 17, 2017 City Commission Agenda as an ordinance after it is presented to the Planning and Zoning Board on April 3, 2017.

Mayor Gardner opened a brief discussion regarding Ordinance No. 2017-03 that was approved at the February 20, 2017 Commission Meeting and stated that she has now realized that not all extended stay hotels or motels have dishwashers. It was the general consensus of the Commission that they would like to remove the dishwasher requirement for extended stay hotels or motels. City Attorney Brandenburg agreed to draft an ordinance that would eliminate the requirement for a dishwasher.

The meeting was adjourned at 6:19 p.m.

Mali Gardner, Mayor

Mary K. Combass, Interim City Clerk