



**CITY COMMISSION OF THE CITY OF PAHOKEE
REGULAR COMMISSION MEETING MINUTES
Tuesday, December 14, 2010**

Pursuant to due notice the regularly scheduled Commission meeting was held in the Commission Chambers at 360 E. Main St., Pahokee, Palm Beach County, Florida on Tuesday, December 14, 2010.

The meeting was called to order by Mayor Sasser at 7:06 p.m. Invocation was by Commissioner Babb followed with the Pledge of Allegiance.

Official attendance was recorded as follows:

<u>Roll Call:</u>	Mayor J.P. Sasser	Present
	Vice Mayor Henry Crawford	Present
	Commissioner Keith Babb	Present
	Commissioner Allie Biggs	Present @ 7:11 p.m.
	Commissioner Diane Walker	Present
	City Manager Derrek Moore	Present
	City Attorney Gary Brandenburg	Present
	Sgt. at Arms: Lt. Alonso	Present
	City Clerk Susan Feltner	Present

Additions, Deletions and Approval of Agenda Items:

Additions: Item F-4 – Consent Agenda – Resolution 2010-103 – NLC Prescription Card Program
Item F-5 – Consent Agenda - Resolution 2010-104 – FBHP – Grant Application \$50k

Approval of the Agenda Items.

Motion by Vice Mayor Crawford. Second by Commissioner Walker.

Motion carried. Four (4) Ayes. One (1) Absent.

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Approval of Minutes:

Item E – 1 – November 23, 2010 – Regular Commission Meeting

Approval of Minutes for November 9, 2010 Regular Commission Meeting.

Motion by Commissioner Walker. Second by Vice Mayor Crawford.

Motion carried. Four (4) Ayes. One (1) Absent.

Consent Agenda:

F-1. RESOLUTION 2010-100 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING THE MAYOR'S EXECUTION OF AN APPLICATION TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A PERMIT FOR THE ANNUAL DR. MARTIN LUTHER KING JR. PARADE.

F-2. RESOLUTION 2010-101 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING VARIOUS BUDGET AMENDMENTS.

F-3. RESOLUTION 2010-102 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE PERSONNEL RULES TO PROVIDE FOR THE ADDITION OF CHILDREN AND OTHER REQUIREMENTS FOR INSURANCES PURPOSES AS IT RELATES TO DOMESTICS PARTNERSHIPS AND SAME SEX PARTNERS.

F-4. RESOLUTION 2010-103 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING THE PARTICIPATION IN THE NATIONAL LEAGUE OF CITIES PRESCRIPTION DISCOUNT CARD PROGRAM FOR THE RESIDENTS OF THE COMMUNITY.

F-5. RESOLUTION 2010-104 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING STAFF TO SUBMIT A REQUEST FOR FUNDING IN THE AMOUNT OF \$50,000 FROM THE STATE OF FLORIDA BUREAU OF HISTORIC PRESERVATION FOR NEEDED IMPROVEMENTS TO THE PORT MAYACA CEMETERY.

Approval of Consent Agenda.

Motion by Commissioner Walker. Second by Vice Mayor Crawford.

Motion carried. Four (4) Ayes. One (1) Absent.

Presentations:

Item H-1 –Certificate of Recognition – Tyrone Campbell

Commissioner Walker advises that Mr. Campbell was unable to attend tonight. Requests Commission approve certificate and present at the first meeting in January.

Approval of Certificate of Recognition for Tyrone Campbell.

Motion by Commissioner Walker. Second by Commissioner Babb.

Motion carried. Four (4) Ayes. One (1) Absent.

Presentations continued:

Item H-2 – Third Annual Old Fashioned Cane Pole Tournament – trophy presentation.

Clerk Feltner advises that the children are not yet present.

Commission concurs to move presentation to later in the meeting.

Item H-3 – Belle Meade Assisted Living Facility – Ed Roby

Mayor Sasser calls for a representative of Belle Meade to come forward. No one responds.

Mayor Sasser recognizes that Commissioner Biggs is now in attendance.

Report of the Mayor:

Mayor Sasser addresses all and advises:

- Peehokey Plaza – Department of Environmental Protection (DEP) is in support of the steel company. This project is ready to go.
- Met with a company from Jamaica that produces health drinks, 100% natural.
- They would like to establish a bottling plant here and eventually cultivate the crops needed. This company will start with approximately 65 jobs.
- Tri-Cities Barbecue was a huge success.
- Pet project for the first part of the New Year will be code enforcement. Will ride through the city and take pictures.

City Manager Moore advises that representatives from Belle Meade are now present.

Item H-3 – Belle Meade Assisted Living Facility – Ed Roby

Ms. Lois Pealy of the Belle Meade Assisted Living Facility addresses all:

- Introduces Mr. Samuels Stephens
- Facility is located at 120 State Market Road here in Pahokee
- Clients of Belle Meade are patients of brain injuries
- Most clients are from out of state
- Brain injury clients have behavioral problems including verbal, aggressiveness and assaultive behaviors.
- Should take on first client mid to late January.
- Has hired several Certified Nursing Assistants (CNAS) from Pahokee
- Licensed for 53 beds. Will stop at 40 patients
- All staff will be trained in Professional Crisis Management (PCM)
- School districts throughout the United States have adopted PCM
- Related to security: closed circuit tv, 15 minute bed checks, facility will be locked and visitors/staff must be buzzed in
- Belle Meade will assist clients in retraining in vocational programs to get the patients to be as independent as much as they can.
- Staff to client ratio – one staff person to approximately 4-5 clients.
- Will gradually increase staff as patients are admitted
- It is a 24 hour facility with 6-7 persons per shift
- Invites all to stop by, will advise of date of grand opening.

Report of the Mayor continued:

Item H-2 – Third Annual Old Fashioned Cane Pole Tournament – trophy presentation.

Vice Mayor Crawford advises that over the summer months we held a fishing tournament for the children. About 75-80 children participated. There has been some delay in getting the trophies. Vice Mayor Crawford requests, that Mayor Sasser award the trophy.

Clerk Feltner advises all that Emmanuel Crawford is to receive the award for the youngest fisherman.

Report of the City Manager:

City Manager Moore advises:

- Last week the Glades Utility Authority (GUA) held a town hall meeting here in Pahokee. Was not in attendance, will review DVD of meeting.
- Will hold a town hall meeting in early January to address some of the issues.

City Manager Moore calls on his Assistant Ms. Anika Sinclair to provide a brief report concerning the Tri-Cities Barbecue.

Ms. Sinclair advises:

- Very successful event. Over 400 persons attended
- The Palm Beach County League of Cities did receive donations from: Covanta Energy, Florida Crystals, Southern Waste Systems, South Florida Water Management District, CDM totaling \$5,580.
- Total expense of the event was just under \$13,000. The three (3) Cities will share the remaining costs.
- T-shirts were provided to the volunteers. Each Commissioner shall receive one.
- Planned to have produce, but were unable to do so due to the weather conditions
- The toy drive was successful. Approximately 165 items were donated that will be distributed amongst the three cities.
- Airboat rides were planned, but were unable to provide them. Again due to the weather conditions. Special thanks to Palm Beach County Fire Rescue (PBCFR) and Boots Boyer of Belle Glade for providing the airboats.
- Would also like to extend thanks to:
 - Ray Grazziotto of Everglades Ventures/Seven Kings
 - Hal Stankard and staff of Lake Okeechobee outpost
 - Bob Schauder of Big Bertha's
 - GRD Solutions
 - Pahokee Middle/Senior High ROTC
 - Treviicos
 - Bauer Foundation
 - Glades Gas

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Report of the City Manager continued:

City Manager Moore calls Grants Specialist Ms. Erica Redmon to provide an update regarding the Christmas party this coming Friday.

Ms. Redmon advises:

- 152 respondents attending the Christmas party.
- There are available seats if Commission would like to invite anyone else. It is invitation only.
- The gifts cards currently being distributed to you are supplied by Southern Waste Systems (SWS). Each Commissioner is to select a needy family in the community to receive the gift cards.
- Would like to invite the SWS gift card recipients to the Christmas party

City Manager Moore advises that Mr. Jeff Taylor of Treviicos will present their traffic mitigation plan for Commission Consideration.

Mr. Jeff Taylor of Treviicos provides a power point presentation and addresses all:

- Mr. Taylor advises that he is the project manager for Treviicos
- Initial presentation to Commission was made on November 9, 2010.
- Tonight focus is on traffic mitigation
- Contracted to install 3.4 miles of cut off wall from Canal Point to Pahokee
- Contract is with the U.S. Army Corp of Engineers (USACOE)
- Contractor is to maintain public access at all times to the business located at the marina
- Contractor is required to coordinate with other contractors to avoid impacts and prevent problems
- Contractor shall provide necessary traffic control devices and other appropriate measures for the protection of the public and contractor personnel
- Owner/operator of the marina will provide alternate access ramp just South of North Lake Ave., for public access to the marina area.
- Phase 1- use of N. Lake Ave. for approximately two (2) moths to construct work platform
- Temporary access ramp to dike to be installed from staging area on East Main St., just North of the Department of Motor Vehicles (DMV) property
- Phase 2 – North Lake Ave., closure estimated at four (4) to six (6) moths, starting in late 2011
- Traffic control plan coordinated with adjacent contractor, Bauer Foundation
- Treviicos clearing and site preparation ongoing at staging area on East Main St.
- Temporary construction activities at staging area to start after issuance of permits from the City of Pahokee.
- Currently plans submitted to the City for permitting are: site plan, foundation plan, followed soon after by temporary electric permit and temporary office permit.
- Construction area on the dike will be fenced in for security and safety requirements
- A flag man will be placed on North Lake Ave., is instructed that public has right-of-way
- Once site is completed on East Main St., all construction traffic will be using the temporary access ramp at this location, which will eliminate construction traffic downtown.

Report of the City Manager continued:

Mr. Taylor continues:

- Site plan design engineers are Craig A. Smith & Associates
- Site Drainage will flow to a retention pond on the site and eventually spill over into the toe ditch at the foot of the dike

Commissioner Babb requests clarification regarding the closure of N. Lake Ave four (4) – six (6) months, how will the contractor provide access for the business?

Mr. Taylor advises that the contract specifies that the owner/operator is responsible for providing a public access ramp to the marina.

Mayor Sasser believes that the contractor should provide the access point as they will be closing ours.

Ms. Ingrid Bon of U.S. Army Corp of Engineers, project manager for the Herbert Hoover Dike project comes forward and advises:

- Earlier in this year, the former city manager was contacted and notified that the owner/operator of the marina would be responsible for installing this ramp.
- USACOE is not authorized to spend DAM Safety dollars to provide access to a business that is owned by a local government and operated by a private entity
- USACOE legal department stated that it would be illegal for the USACOE to use funds to build the access ramp.

Mayor Sasser advises the Commission that the USACOE has no funds budgeted for this. He suggests contacting our local Legislative Delegation to find the funds. Currently the City is looking for funds to pay for the moving of the power lines that cross over the dike. Which cost is approximately \$33,000. The power lines will need to be moved twice.

Vice Mayor Crawford expressed concern as the City leases the marina from the State of Florida, therefore the City does not technically own the marina.

Ms. Bon advises that both the City of Pahokee and Everglades Ventures has an agreement with the USACOE for the operation of the marina.

City Manager Moore advises that the traffic mitigation is before the Commission tonight for approval or non-approval.

City Attorney Brandenburg stated that the City has taken the position that they would not issue permits to any of the contractors until they provided an adequate traffic mitigation plan. Feels an adequate plan was not submitted, recommends that the Council does not approve the traffic plan or issue any permits.

Ms. Ingrid Bon advised that the Marina operates on a Consent of Easement with both the City of Pahokee and Everglades Ventures. USACOE attorneys advised that the USACOE has the right to shut down the marina if needed too, to repair the dike. Again, the USACOE has limitations on how they can spend their money.

Mayor Sasser states that he will follow the advice of the attorney and not approve the traffic mitigation plan.

Report of the City Manager continued:

Mr. Mario Maro, Vice President of Treviicos addresses the Commission and states:

- The submittal to the city was for a permit to develop our staging site to keep traffic from the downtown area
- Understands the position of both the USACOE and the City.
- Requests the City approve this plan so that may get started.
- Feels the access ramp is a separate issue from the permits applied for.
- Advises in October they received their Notice to Proceed and con not without the permits being issued.

Someone in audience speaking, not at microphone unintelligible.

Mayor Sasser calls for a motion from the Commission for approval or not of the traffic plan or for the matter to be deferred to the City Attorney.

No motion is made. Commission concurs, defer the matter to the City Attorney.

City Manager Mr. Moore advises Commission that tomorrow he and the Mayor will meet with Ms. Verdana Baker, Palm Beach County Deputy Administrator.

Report of the City Attorney:

City Attorney Brandenburg advised that Okeechobee Land Company, represented by Mr. Montgomery presented a proposal to resolve the Prince Theater matter.

- They would pay to the City \$5,000.
- They will rehab the building in twelve (12) months
- They will open as a theater/meeting place
- If they do not complete the rehab, the City could demolish the building and file liens against their property
- And all code enforcement fines be lifted.

The City has sued them to abide by the initial contract. That case is still pending. The Code Enforcement Magistrate found they were in violation, imposing a \$250 fine per day, starting November 15th if the building was not demolished. Currently the fines total \$7,500. Okeechobee Land Company has appealed the Code Enforcement case that case is also still pending.

City Attorney Brandenburg advised that Mr. Perez has not lived up to his initial agreement, and there is no indication that he would honor any future agreements. Does not see any merit in the current proposed settlement. Recommends the Commission deny the settlement and move forward.

Mr. Montgomery attorney for Okeechobee Land Company addresses the Commission and states:

- In the event you honor the request, Okeechobee Land Company will demolish the building if it is not completely rehabbed within the twelve (12) months.
- Mr. Perez sees an opportunity to rehab the building and preserve the Theater for the City
- The offer is reasonable and you only have to wait twelve (12) months to see the results.

Mayor Sasser stated that we currently have one legal agreement with Mr. Perez that he is not honoring. Questions: Why would we go into a second agreement?

Commissioner Walker inquires if the condition of the building has been evaluated by an engineer to determine that it is not habitable.

Report of the City Attorney continued:

Mayor Sasser advises that the structure can be rehabbed, the issue is that it would be would be very costly to repair the building to current code.

City Attorney Brandenburg reminds all that when the City looked into rehabbing the structure, the City spent \$130,000 for an engineer who quoted a price of \$1.3 million, to bring it up to code.

Commission concurred; they will not accept the current proposal.

New Business:

Item O-1 – City Manager Contract

City Attorney Brandenburg advises that he has prepared a City Manager's agreement, it follows standard city manager protocol. One item is that should the Commission not like his services as the manager that he, have the option to return to the Finance Director's position.

Commissioner Babb stated that should Mr. Moore return to Finance Director position, that the salary be what it was when he vacated the position, but include any increases that would have incurred since he left the position. Regarding insurance, recommends that we include that until he is gainfully employed with coverage.

Approval of City Manager Contract with recommended changes for Derrek Moore.

Motion by Vice Mayor Crawford. Second by Commissioner Biggs.

Motion carried unanimously.

Item O-2 – Engagement Letter for Legal Services – Open Container Cases – Atty. Torcivia.

City Attorney Brandenburg advises that in keeping with defraying legal services costs as it relates to open container cases, the law firm that represents the City of Belle Glade has agreed to handle open container cases for the City of Pahokee. This should save the City substantial dollars. Mr. Torcivia's law firm will charge \$200 per hour to handle the cases.

Sergeant at Arms Lt. Alonso advises that if a person is cited only for open container that is the city cost to prosecute. If the individual is charged with more than the open container, there is no cost to the city.

Approval of Engagement Letter for Legal Services Regarding Open Container cases.

Motion by Commissioner Biggs. Second by Vice Mayor Crawford.

Motion carried unanimously.

Citizens Comments:

Karen Palmer of 442 N. Coconut Rd., Pahokee Fl. addresses the Commission:

- Reason for attending is to address the eroding canal that has affected the homes in East Lake Village.
- Understands that the city has adopted an Ordinance, but the Ordinance does not apply to her.
- City is responsible for the area around the dumpster
- It has been stated that the canal is the responsibility of the farmer/owner.
- Feels code enforcement favors the farmers
- Advises to date she has received no response and asks what the plan of action is?

Citizens Comments:

Mayor Sasser responds states that when the homes were built in East Lake, a ten (10) foot setback was required. It appears the developer violated the set back regulations by building the homes within five (5) feet of the canal. Apelgren Farms intends to fill in the canal but vowed to hold off until an alternative drainage canal can be installed by East Beach Water Control District (EBWCD).

Vice Mayor Crawford advised that he gives credit to code enforcement for doing what they can legally do. The canal was there long before the homes were. I have went out and looked at the canal beside your home. It will take time to install the alternate drainage canal.

Commissioner Walker requests that the City Manager touch base with Ms. Palmer periodically to let her know that we have not forgotten her situation.

Murph Samuels of 407 S. Barfield Hwy., Pahokee, Fl addresses the Commission:

- Is trying to open a body shop on Barfield Hwy.
- There is a problem with zoning
- There was a body shop there before.

Vice Mayor Crawford advised that he spoke with the City Clerk and she researched the issue and made a recommendation to solve the issue.

City Clerk Feltner advised that Mr. Samuels property is in a Neighborhood Commercial (NC) and the uses that they are using it for are not allowable uses. Clerk Feltner suggested to Vice Mayor that the City have our planners, Calvin Giordano & Associates look into the Commission making a text amendment to the NC zoning district to make these uses allowable by conditional use. Mr. Moreno across the street is in a different zoning district, Single Family 7 (SF7) which is a residential district, and again does not allow the use that he is using the property for.

Authorize Calvin Girodano & Associates to make a text change to the Neighborhood Commercial District to allow for motor vehicle repair and painting.
Motion by Commissioner Walker. Second by Commissioner Biggs.
Motion carried unanimously.

Gayle Love of 8846 Seville St., Pahokee, Fl. addresses the Commission:

- Advises the City Manager that they did attend that GUA meeting last week and nothing was accomplished.
- Was instructed to go to Hooker Highway and get a print out, because we informed them that we are paying thirteen (13) bills not twelve (12) for the year.
- When Ms. Williams was given the printout, she asked why she is being billed thirteen (13) times
- She was instructed to leave the facility, and would not because she did not receive an answer
- She was removed by the police

Mayor Sasser states that he is instructing people to call County Commissioner Jess Santamaria's office, because the three cities are out voted on the GUA board. They will absolutely not listen to us. We have to begin pressuring our County Commissioners.

Someone in audience speaking not at microphone, unintelligible.

Citizens Comments:

Commissioner Walker inquires at to the next GUA board meeting.

City Manager Moore advises that the Board will hold a meeting on Wednesday January 5 at 2:00 p.m. here in the Commission chambers. Encourages residents to attend. Advises that he will be planning a Town Hall meeting that week also.

Correspondence/Comments and Concerns of the City Commissioners:

Commissioner Biggs:

- Thanks the City Manager, Mr. Alvarez and staff for an outstanding job regarding the Tri-Cities Barbecue.
- Seventy-Five (75) people donated toys and we received 165 items.
- Thanks all for their attendance.
- Wishes all a very Merry Christmas

Set Workshop regarding strategic planning for Code Enforcement in early January 2011.

Motion by Commissioner Biggs. Second by Commissioner Walker.

Motion carried unanimously.

Commissioner Babb:

- Recognizes Commissioner Biggs, as she served as the immediate past President of the Black Elected Officials and she did a great job.
- Additionally Commissioner Walker served as an Officer so we had two (2) Commissioners to serve on that board.
- Street lights on Rardin Ave. The last three (3) by Shiloh Church are out.

Commissioner Walker:

- Congratulates Mr. Moore and commends the Commission for approving his City Manager Contract.
- Thanks everyone for coming
- Wishes all a Merry Christmas and a Happy New Year.

Vice Mayor Crawford:

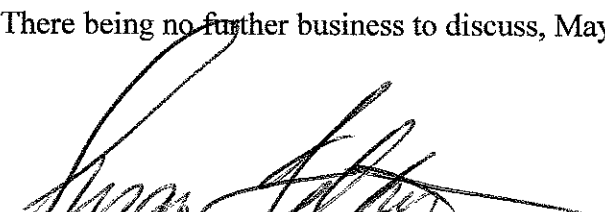
- Wishes everyone a very Merry Christmas.

Mayor Sasser:

- Code enforcement definitely needs to be a team effort.
- The old Hospital needs to be added to the list of properties of concern.
- Wishes everyone a safe and happy Holiday Season

City Clerk Feltner advises the Commission that she will be on vacation the week of December 19th. Ms. Kelly will be available two (2) days a week. Deputy Clerk Ms. Warren will be available, and I am always available via cell phone.

There being no further business to discuss, Mayor Sasser adjourns the meeting at 9:57 p.m.


ATTEST: Susan Feltner, City Clerk



J.P. Sasser, Mayor