



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

The meeting was called to order by Mayor Sasser at 7:04 p.m. Invocation was by Commissioner Biggs followed by 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
	Commissioner Diane Walker	Present
	Interim City Manager Derrek Moore	Present
	City Attorney Gary Brandenburg	Present via telephone
	Sgt. At Arms: D/S Raasch	Present
	City Clerk Susan Feltner	Present

Additions, Deletions and Approval of Agenda Items:

- Additions:
- Item F2 - Resolution 2010-68
– FRDAP Grant Application \$200k for Parks & Recreation Complex
 - Item G-1 – Proclamation – 1928 Storm Remembrance
 - Item O-1 – New Business – Community Relations Board Appointment
 - Item O-2 – Nuisance Abatement Board Appointment
 - Item O-3 – Nuisance Abatement Board

Approval of the Agenda.

Motion by Commissioner Biggs. Second by Commissioner Walker.

Motion carried.

Approval of Minutes:

Item E-1 – August 24, 2010 – Regular Commission Meeting

Approval of Minutes.

Motion by Commissioner Biggs. Second by Commissioner Walker.

Motion carried.

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Consent Agenda:

1. RESOLUTION 2010-65 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING STAFF TO SUBMIT A REQUEST FOR FUNDING FROM THE STATE OF FLORIDA'S FLORIDA RECREATION DEVELOPMENT ASSISTANCE GRANT PROGRAM FOR NEEDED IMPROVEMENTS TO THE DR. MARTIN LUTHER KING, JR. PARK.

2. RESOLUTION 2010-66 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING STAFF TO SUBMIT A REQUEST FOR FUNDING FROM THE STATE OF FLORIDA'S FLORIDA RECREATION DEVELOPMENT ASSISTANCE GRANT PROGRAM FOR NEEDED IMPROVEMENTS TO COMMISSIONER'S PARK.

3. RESOLUTION 2010-67 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE CITY OF PAHOKEE'S BUILDING DEPARTMENT FEE SCHEDULE.

4. RESOLUTION 2010-68 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AUTHORIZING STAFF TO SUBMIT A REQUEST FOR FUNDING FROM THE STATE OF FLORIDA'S FLORIDA RECREATION DEVELOPMENT ASSISTANCE GRANT PROGRAM FOR NEEDED IMPROVEMENTS TO THE CITY OF PAHOKEE PARKS AND RECREATIONAL COMPLEX.

Approval of Consent Agenda.

Motion by Commissioner Babb. Second by Commissioner Biggs.

Motion carried.

Proclamations:

G1. – 1928 Remembrance

City Clerk Feltner reads into record:

Remembrance of the 1928 Hurricane

Whereas, today, this date, September 16th, marks an 82nd anniversary and will be remembered in U.S. History and more particularly here in South Florida; and

Whereas, on this day in 1928, one of the most devastating forces of nature claimed the lives of more than 3,000 people, during a deadly and horrific anonymous storm known as "The Storm of 1928"; and

Whereas, this powerful monstrosity, entered the Florida Peninsula at the Jupiter Inlet moving across Martin and Palm Beach Counties, while forty miles west, rain filled Lake Okeechobee to the brim and the man-made dikes crumbled; and

Whereas, water rushed onto the farmlands and into homes, while bone chilling waters swirled around their knees and shrieking winds smothered their cries for help, people were literally swept away; and

Whereas, decades later the storm and its aftermath still color Florida's past and its future. The Storm of 1928 changed the Glades – and South Florida – forever.

Proclamation continued:

Now Therefore Be it Resolved; that the City Commission and the citizens of Pahokee, Florida, do hereby express their appreciation to the Martin County residents under the orchestration of the East Stuart Historical Society in assembling on Thursday, September 16, 2010 at Port Mayaca Memorial Gardens, to pay homage to the 1,600 unknown persons brought to Martin County and placed in a mass grave on those hallowed grounds.

Passed and Adopted this 14th day of September, 2010.

Adoption of 1928 Remembrance Proclamation.

Motion by Commissioner Biggs. Second by Commissioner Babb.

Motion carried.

Report of the Mayor:

Mayor Sasser addressed the audience and advised:

- Meeting scheduled for September 22nd regarding the removal of utilities on the dike that will subject the city to an expenditure that we have not anticipated.
- Cost to move utilities is \$35-\$40k
- Have contacted FPL to see if they could assist us, they will meet with us also on the 22nd.

Report of the City Manager:

Interim Manager Moore addressed the Commission and advised:

- The Tri-Cities meeting was rescheduled until next Wednesday here in Pahokee at 6:00 p.m.
- Will be meeting with Mr. Kennedy from Alcee Hastings office on Friday at 4:00 p.m.
- The First Budget Hearing is Thursday, the 16th at 6:00 p.m. here in the Chambers
- On September 16th, there is a 10:00 a.m. Memorial Service at the Cemetery for the 1928 Remembrance
- Final Budget Hearing and Adoption will be on Wednesday, September 29th at 6:00 p.m.
- Heard a number of concerns from the community regarding the GUA and PBSO
- Town Hall meeting scheduled for Thursday, September 30th at 6:00 p.m. in the cafeteria. In attendance will be, PBSO, GUA, PBCFR, SWS and Health Care District, invites the public to attend
- Back to Work Program is slated to end on September 30th.

Calls on Human Resources Director Mrs. Kendall. Mrs. Kendall introduces newest Back to Work Program employee, assistant to the Interim City Manager, Ms. Anika Sinclair.

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Report of the City Manager continued:

Interim City Manager Moore advises:

- Fire Rescue has reported that they are moving forward with the new fire station, expects it to be completed by 2012.

Report of the City Attorney:

City Attorney Brandenburg advises:

- Short hearing this morning regarding the Prince Theater.
- Judge has determined that the City has a good suit against Okeechobee Land Co.
- Court indicated that we could not sue Mr. Perez individually, only the corporate entity that received the property.
- Will update Commission as the case moves along.

Old Business:

1. Middle School – Commissioner Biggs
 - School is up and running
 - Middle school is not considered separate school, is part of the high school.
2. Census 2010 – Commissioner Walker
 - Will have final count numbers in November
 - Thanks citizens for their participation
3. Habitat for Humanity - Vice Mayor Crawford
 - Construction moving along at 311 Cypress Ave., the Hill house.
 - Several volunteers out this past weekend to assist.
 - Asks that if anyone have time to come out and help.
 - Once complete, they will begin on 137 S. Barfield Hwy.
4. Inland Port – Commissioner Babb
 - No significant information to report.
5. East Lake Village Park
 - Clerk Feltner advises status quo, have not heard from Mr. Sodders.
6. Annexation – Joe Louis Avenue
 - Commissioner Biggs advises that the property owners that we have been able to reach, have completed voluntary applications.
 - still waiting for response to the applications that were mailed out.

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Old Business continued:

7. Pahokee Plaza

Interim City Manager Moore addresses the Commission and advises:

- Created a committee to evaluate. Committee consisted of; Mrs. Regina Bohlen, Mr. Oscar Alvarez, from staff there was Mrs. Kendall and Ms. Criswell.
- Committee reviewed all information and ranked companies in order, Steel Company, Feng-Fu and third was Lakeside.
- Sancillio & Company, removed their proposal, as the process was taking too long.
- Requests that the Commission grant the Interim City Manager and the City Attorney to begin negotiations with the steel company.

Directing City Attorney and Interim City Manager to proceed with Pahokee Plaza negotiations with International Global Development.

Motion by Vice Mayor Crawford. Second by Commissioner Biggs.

Motion carried.

New Business:

1. Community Relations Board Appointment.

Clerk Feltner advises that a seat is available, and recently the Ordinance was changed to allow one (1) non-Pahokee Resident.

Appoint Zina Delbagahar to the Community Relations Board.

Motion by Commissioner Biggs. Second by Commissioner Walker.

Motion carried.

2. Nuisance Abatement Board Appointment.

City Clerk Feltner advises that three (3) of the original appointees are not serving. One (1) advised that they have changed their minds. The other two (2), the Clerk's office has received no response from either of them. Has called and left messages and has mailed out information with no response.

Appoint Lisa M. Osborne as an alternate to the Nuisance Abatement Board.

Motion by Commissioner Walker. Second by Commissioner Biggs.

Motion carried.

Clerk Feltner also advises that the Nuisance Abatement Board has requested that Mr. Larsen originally appointed as an alternate, be moved up to a Board member.

Nicholas Larsen to be moved from alternate to Nuisance Abatement Board member.

Motion by Commissioner Walker. Second by Commissioner Biggs.

Motion carried.

New Business continued:

3. Nuisance Abatement Board

Commissioner Walker addresses the Commission and states:

- Would like to schedule a workshop regarding the Nuisance Abatement Board, based on recent concerns of a decision made by the board.
- A workshop would allow discussion on how the board process works and how the decisions are made.

Workshop meeting set for Tuesday, September 21, 2010 at 6:00 p.m. Nuisance Abatement Board Attorney Mr. Baird to be present.

Vice Mayor Crawford addresses the Commission and advises:

- Requested copies of the invoices from the attorney's.
- Need to look to see if we can afford it. Invoices between the two (2) attorneys's total about \$29k for the Month of August.
- Regarding the Open Container program, what does the City get out of it?
- The attorney cost is \$700 for an open container charge
- Persons charged, do community service.

City Attorney Brandenburg agrees with Commission regarding the open container issue. City is not getting benefits of what we are paying for. It seems to be a repeat of the same folks every month. Open container fine is only \$50, and does not cover the legal costs.

City Attorney Brandenburg recommends a Special Meeting for Tuesday, September 21, 2010.

Citizen's comments:

Mayor Sasser calls Mr. Emilio Perez forward.

Thomas Montgomery to speak on behalf of Mr. Perez.

Mr. Montgomery addresses the Commission and states:

- Recently Mr. Perez's business (Coco's) celebrated one (1) year in business.
- During that year, no 911 calls or arrests.
- We are here because we feel that the Sheriff's Department has interfered with business
- Deputies have been on the property taking pictures of customers cars and looking into customer cars.
- Sheriff's Department has also harassed customers entering and leaving the business.
- In addition, the Fire Marshall has been there twice for inspections
- On 10 – 12 different occasions, the Sheriff's Department has come in to look at that licenses that were issued one (1) year ago.
- It's called harassment
- We have been told by these persons that they have been directed to do this.
- Business rights and personal rights have been violated.

Mayor Sasser states that no one in this City has given the Sheriff's Department any instructions. Encourages everyone to be there next Tuesday at the Special Meeting and on the 30th for the Town Hall meeting.

Citizen's comments continued:

Commissioner Biggs addresses the Commission and states:

- While driving by this past Friday evening, there were about eight (8) Deputies parked at Swifty's.
- Swifty's was closed, there was even a fire truck there.
- There were Deputies under the portico of Coco's also.
- We contract with the Sheriff's Office to enforce our laws.
- Our Code allows businesses that sell alcohol to remain open till 3:00 a.m.
- Not against Sheriff's Office.
- Understands that Coco's also employs security.

Mr. Perez stated:

- He currently employs three (3) armed off-duty Police Officers for security at the door, they check for any weapons.
- In addition, he has eight (8) security people inside the club.

Commissioner Biggs inquires of the City attorney:

- As policy makers, if something is going wrong, where do we stand as Commissioners?

City Attorney Brandenburg stated:

- The Sheriff's Office has a contract with the city.
- The city has some leeway to talk about the manner and methods that the contract is carried out.
- However, the city cannot tell a deputy how to do his job.
- In general, the city has a valid concern and a legitimate interest.

Mayor Sasser stated:

- We have complaint forms in City Hall
- I will not stand for any citizen in the community to be treated this way
- If the Sheriff's Office is using these tactics, then why aren't the people that are treated this way fill out a complaint form.

Commissioner Biggs advises:

- People are afraid too.
- I do know of one guy who did file a complaint.
- They know where he lived
- They sat out there and watched to see where he went home at.

Mayor Sasser advises everyone, that two (2) meetings have been set to address these issues. The City will have quarterly Town Hall meetings. There will be a moderator that is not of the City to run the meeting. Please understand, we take these complaints very seriously.

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Citizen's comments continued:

Angela Jackson addressed the Commission and stated:

- Here concerning Baines Superette
- The superette has been in business for over fifty years.
- The boys that hang out come and buy things.
- The Deputies come down there with dogs and run folks down the street.

John Austin of 169 Adams Place apt #6 addresses the Commission:

- Been in Pahokee since 1971
- This is the worst he has ever seen it.
- Why close Baines down overnight? All the food will go to waste.
- Gave her a paper on Monday and told her on Thursday she had to close down
- It is not right.

Sara Perez addresses the Commission:

- Here to speak on behalf of Coco Dulce.
- Feel like there is a hidden agenda regarding Main street
- Had to close Glades Towing because Moss gets all the tows, he is a friend of the Mayor's and of Mr. Branch's.

Mr. Boldin addresses the Commission:

- Concern is regarding the Sheriff's Department.
- Last Friday night when leaving the club, a guy was being arrested.
- I stepped behind a truck and took out my cell phone.
- A deputy snatched my cell phone from my hand and placed me under arrest for obstruction.
- All I was doing was making a phone call.
- Had to spend the night in jail over a phone call.

Mrs. Geraldine Frost addresses the Commission:

- Own and operate Baines Superette for eleven (11) years by myself
- Baines Superette has been in business for over 50 (fifty) years
- Never had any problems until the Sheriff's department came in
- The Nuisance Board shut me down, how am I to make my wages?
- Bills are still adding up.
- When I can open, I was told I can only open from 6:00 a.m. to 8:00 p.m.

Mayor Sasser stated that at the meeting on Tuesday at 6:00 p.m., we can get a better understanding about the Nuisance Abatement board and get some answers to some of these questions.

Commissioner Walker stated that she was concerned as it appears the Ms. Frost was subjected to double jeopardy by the closing of the business and the hours of operation.

Citizen's comments continued:

City Attorney Brandenburg responds:

- The Nuisance Abatement Board is presented with a nuisance case and has an obligation under the Ordinance to determine, what is the best method to prevent that nuisance from continuing in the future.
- The Board determined that the best remedy for the city was to close for 30 (thirty) days and to limit hours when reopened.
- Also to monitor the business in the future and determine whether or not the hours of operation were then necessary to continue forward.
- In addition, the order indicated that no trespassing signs are to be put up on the premises and that the owner should designate the city and the Sheriff's office as an agent to enforce that provision.
- Once the business opens up and it has been determined that it is no longer necessary to impose any hours limitation on the property, the property will go back to its normal operations.

Commissioners Comments and Concerns:


Commissioner Biggs:


- Thanks everyone for their attendance
- Encourages everyone to come out to more meetings.

Vice Mayor Crawford:

- Reminds the audience that the Commission meets the 2nd and 4th Tuesday's of each month.
- Invites all to come and participate and be part of the solutions for the city
- You can help by coming out and talking to the Commission, we work for you and need your input.

There being no further business to discuss, Mayor Sasser adjourns the meeting at 8:47 p.m.


ATTEST: Susan Keltner, City Clerk



J.P. Sasser, Mayor