



**CITY COMMISSION OF THE CITY OF PAHOKEE
REGULAR COMMISSION MEETING MINUTES
Tuesday, October 27, 2009**

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, October 27, 2009.

The meeting was called to order by Mayor Whitaker at 7:00 p.m. Invocation was by Commissioner Walker followed by the Pledge of Allegiance.

Officials attendance was recorded as follows:

<u>Roll Call:</u>	Mayor Wayne Whitaker	Present
	Vice Mayor Henry Crawford	Present
	Commissioner Keith Babb	Present
	Commissioner Allie Biggs	Present
	Commissioner Diane Walker	Present
	City Manager Matthew Brock	Present
	City Attorney Gary Brandenburg	Present
	Sgt. At Arms: DS T. Padgett	Present
	City Clerk Susan Feltner	Present

Additions, Deletions and Approval of Agenda Items:

Deletions – Item E3 – October 13, 2009 - Commission Meeting Minutes – Clerk Feltner
Item E4 – October 20, 2009 – Special Meeting Minutes – Clerk Feltner

Additions – Item M7 – Marina Audit – Mayor Whitaker
Item H1 – Presentation by Clarence Anthony – City Manager Brock
Item N4 - Performance Evaluation of City Manager or Vote of Confidence –
Commissioner Walker

**Approval of Additions and Approval of the Agenda.
Motion by Commissioner Walker. Second by Commissioner Biggs.
Motion carried unanimously.**

Citizens Comments Agenda Items Only: No Requests

Approval of the Minutes:

Item E1 - July 29, 2008 – Special Commission Meeting

**Approval of July 29, 2008 Commission Meeting Minutes.
Motion by Commissioner Biggs. Second by Vice Mayor Crawford.
Motion carried unanimously.**

Approval of the Minutes continued:

Item E2 – September 9, 2008 – Special Meeting for Public Hearing – Budget

Approval of July 29, 2008 Commission Meeting Minutes.

Motion by Commissioner Biggs. Second by Vice Mayor Crawford.

Motion carried unanimously.

Consent Agenda:

1. **Resolution 2009-85** – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, ABANDONING THE RIGHTS OF THE PUBLIC AND THE CITY OF PAHOKEE IN THE 30' BY 40' PROPERTY LOCATED AT INTERSECTION OF S.W. 5th PLACE AND COLLEGE AVE., A/K/ RARDIN AVE.

Approval of Resolution 2009-85.

Motion by Vice Mayor Crawford. Second by Commissioner Biggs.

Motion carried unanimously.

Proclamations:

1. Recognizing KECTV News.

Approve Proclamation Recognizing KECTV News.

Motion by Commissioner Walker. Second by Commissioner Biggs.

Motion Carried unanimously.

Commissioner Biggs read aloud the Proclamation to the audience and the Commission presented the Proclamation to Mr. Brian Zimmerman.

The students involved with the KECTV News program also received Certificates of Recognition from the Commission.

Report of the City Manager

City Manager Brock advises the Commission that he has four or five items to discuss, calls for Clarence Anthony to address Commission regarding the Port of Palm Beach.

Clarence Anthony addresses the Commission and audience and stated:

- States for record that he is here on his own and not as the City's consultant.
- Has been monitoring the activities of the Port since Sept. 28, 2009.
- As of September, has not been working as consultant on behalf of the City.
- Port is and continues to be a big issue for the Glades Communities.
- On October 21st, Port made a shocking decision to delay the decision until December 2009.
- Port received letters individually from Secretary of Department of Transportation and Department of Environmental Protection stating that they felt the Port should not make a decision due to lack of information.
- Port would be receiving financial support and approvals.
- Any of the four (4) sites would need approval from the DCA and possibly DEP.

Report of the City Manager continued:

Mr. Anthony continues:

- One of the Port Commissioners felt that the presenters did not really show a benefit to the Port.
- The Port Commissioner felt he needed more time to give the proposers more time to show what benefit this would be to the Port itself.
- The decision was tabled/delayed till December.
- There is a meeting in Belle Glade Thursday at 5:15 p.m. to discuss the strategy as a Glades Region.
- Should plan a strategy that includes County Commissioners, State Representatives and the businesses of the community.
- Believes it is more politics than real process.
- This Port will be a regional port with regional impact.

City Manager Brock calls for Ms. Bell-Spence to address the Commission regarding grants.

Ms. Barbara Bell-Spence Asst. Community Development Director advises Commission:

- Regarding Census 2010, applied for funding, was notified that we have received the funding to purchase promotional items.
- East Lake Village Park – staff contacted neighboring property owners and they have agreed to donate the properties so that the park can be increased from .10 acres to .32 acres. Will need to have the properties surveyed.
- Announces to audience – On November 11th we will be hosting the City's Annual Veterans Day Celebration from 9 a.m. to 11 a.m. Invites residents to attend and participate. The Celebration will be held on the lawn of City Hall.

City Manager Brock advises Commission;

- Code Enforcement Special Master Hearing on November 5th.
- Glades Utility Authority Board meeting in Pahokee on November 4th from 2 p.m. to 5 p.m.
- Emergency Procedures Manual just about complete.
- Working on policy regarding procurement of fuel for city vehicles.

Vice Mayor Crawford advises:

- Regarding Veterans Day Celebration – trying to sponsor an activity for after the program.
- Taking 65-70 children with the assistance of the Recreation Dept., to Lion Country Safari.
- Anyone who would like to donate, it would be appreciated.
- Veterans Day Celebration – the Freeman Sisters will be performing, Bishop Holmes will be singing a solo, Lawn Mower Charlie will be playing the harmonica.
- Expecting a good turn out and a great program this year.

Someone in audience speaking, not at a microphone, inaudible.

End of City Manager's report.

Report of the City Attorney

City Attorney Brandenburg advised Commission that he has no report.

Ordinances:

City Clerk Feltner reads into record:

1. **ORDINANCE 2009-11-FIRST READING** –AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, ABANDONING THE RIGHTS OF THE PUBLIC AND THE CITY OF PAHOKEE IN THE 40' BY 30' PROPERTY LOCATED AT THE INTERSECTION OF S.W. 5th PLACE AND COLLEGE AVE., A/K/A/ RARDIN AVE., PROVIDING FOR AN EFFECTIVE DATE.

Approve Ordinance 2009-11 – First Reading
Motion by Vice Mayor Crawford. Second by Commissioner Walker.
Motion carried unanimously.

Public Hearings:

Mayor Whitaker temporarily adjourns Commission meeting and opens a Public Hearing at 7:35 p.m. City Clerk Feltner reads Ordinance 2009-10 into record.

1. **ORDINANCE 2009-10 – SECOND READING-** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA PROVIDING FOR CHANGES TO SEC. 2-1 THROUGH 2-155, OF THE CODE OF ORDINANCES OF THE CITY OF PAHOKEE; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND THE AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Mayor Whitaker inquires if there are any comments from the audience or Commission.
No comments from audience or Commission.

Adopt Ordinance 2009-10 – Second Reading.
Motion by Vice Mayor Crawford. Second by Commissioner Walker.
Motion carried unanimously.

Mayor Whitaker closes public Hearing at 7:38 p.m. and re-opens Commission Meeting.

Old Business:

Item M-1 - Middle School –Commissioner Biggs reports:

- Still moving ahead.
- No Complaints

Item M-2 - Regional Hospital – Commissioner Walker reports:

- Everything is fine Hospital is open.

Old Business cont.:

Item M-3 - Habitat for Humanity – Vice Mayor Crawford reports:

- No new information, has been unable to reach anyone.

Vice Mayor Crawford calls upon Regina Bohlen if she has any new information.

Ms. Bohlen advises that the Board has met on Saturday and has toured the donated properties. Board is excited at getting this project moving.

Item M-4 - Inland Port – Commissioner Babb

- Port did have a meeting on October 21st.
- City of Pahokee was well represented at that meeting, City Manager and City Clerk were also in attendance.
- Disappointed in delay of decision.
- Need to let the Port Commissioners that are supportive of the Glades site that we appreciate their support.

Item M-5 - Herbert Hoover Dike – Mayor Whitaker reports:

- Projects moving right along.
- Not much new news.

Item M-6 - Prince Theater

Regina Bohlen addresses Commission and advises:

- The Committee has held a couple of meetings.
- Inquires of Finance Director Moore, do we know if there is 100k available from FEMA and if there is funding, can we receive it?

Finance Director Moore is speaking, not at a microphone, inaudible.

Mrs. Bohlen continues:

- Have not found anyone or any funding to restore the Theater.

Vice Mayor Crawford advised the Commission:

- He was contacted by Mr. Emilio Perez regarding the Prince Theater property.
- Understands that the fueling stations are under pressure by State mandate to have all fuel pumps digital by the end of December.
- If the stations are not in compliance, they cannot sell fuel.
- The only station that would be open is towards Canal Point at the Town Star.
- Stated that he is not against renovation of the theatre, but if we do not have the funding and can't find the funding, the City should decide to do something with the property.

Mrs. Bohlen advises that they have exhausted all avenues of funding for renovation of the theater.

Old Business cont.:

Item M-6 - Prince Theater continued:

Mayor Whitaker requests from Commission a motion to put the theater out for bid to sell the property.

Commissioner Babb stated that the minimum bid price be the land value.

City Attorney Brandenburg recommends that the purchaser be given 90 days to take down the structure.

Motion to advertise the Prince Theater for sale with minimum bid price of the land value and 90 days to remove structure.

Motion by Commissioner Babb. Second by Vice Mayor Crawford.

Motion carried unanimously.

Item M-7 - Marina Audit

Mayor Whitaker addresses the Commission and states:

- The Commission has talked of an audit for several years.
- There has not been an audit in eight (8) years.
- The community has been crying out that we should have an audit.
- Need everything to be brought above board.
- Everything should be transparent.
- Not accusing anyone of any wrong doing

City Attorney Brandenburg advises:

- Under lease that exists that was signed in 2001
- In the 41st paragraph, it indicates that they will make available to the city all financial and other records related to the sublease.
- The City shall have the right to either audit all such records or at any reasonable time, require the submittal of an annual independent detailed audit, performed by a CPA according to generally accepted accounting standards.

Mayor Whitaker requests a motion to perform a forensic audit on the day to day operations and all grant projects performed with Everglades Ventures and the City.

Vice Mayor Crawford asks did not Mr. Sheehan at the last meeting agree to provide this information.

City Attorney Brandenburg advised that that is correct.

Commissioner Biggs asks who is to pay for the audit.

City Attorney Brandenburg stated that the lease allows the City to require an audit to be paid for by them (Everglades Ventures LLC.)

Request Forensic Audit of Everglades LLC on day to day operations and all grant projects.

Motion by Vice Mayor Crawford. Second by Commissioner Walker.

Motion carried unanimously.

New Business:

Item N-1- Renewal of City of Pahokee Employee Health Care Coverage

City Manager Brock introduces Mr. Russell Anderson, our consultant for employee health care.

Mr. Anderson addresses the Commission and advises:

- Each year the city goes out and gets proposals from insurance carriers.
- In Florida there was small group reform. Meaning 2-50 employees is considered a small group, over 50 employees is a large group.
- This year the City fell into a small group with new carriers.
- Humana has kept the City in the large group.
- We looked at all carriers available, i.e. Avmed, Bluecross, Neighbors, Vista.
- There is a 14% - 15% increase per year, we were able to reduce that by 7%.
- Humana came back with rates much more cheaper than the other carriers.
- Commission should decide if they want to accept the increase or they can decrease the benefits to the employees to reduce the rate for the City.

Finance Director Moore addresses Commission and advises:

- The current cost is \$306.36 per employee, rate has increased by approximately \$19 to \$325.00 per full time employee.

**Approve Insurance rate increase to be paid by City for full time employees.
Motion by Commissioner Biggs. Second by Vice Mayor Crawford.
Motion carried unanimously.**

Item N-2 – Consideration of Contribution to Palm Beach County Friday Night Football.

Commissioner Walker advises Commission:

- They are trying to raise funds so that they can televise the Muck Bowl.
- They need \$2,500. in order to televise the game.

Mayor Whitaker suggests donating \$500.

**Approve donating \$500. To the Palm Beach County Friday Night Football.
Motion by Commissioner Walker. Second by Vice Mayor Crawford.
Motion carried unanimously.**

Item N-3 – Consideration of Contribution to County Wide Wellness Initiative.

Commissioner Babb inquires;

- How does this benefit the City?
- Should be sure we have a local impact regarding donations that the City makes.

Parks & Recreation Director Mr. Herbert Crawford advises that we do not receive any funding from them.

**Approve a Donation of \$100. to the Palm Beach County Wide Wellness Initiative.
Motion By Commissioner Biggs. Second By Vice Mayor Crawford.
Motion Carried unanimously.**

New Business cont.:

Item N-4 – Performance Evaluation of City Manager or Vote of Confidence.

Commissioner Walker addresses Commission and advises:

- As of May 1st, City Manager has been here for one year.
- Requested an Evaluation in June, Commission took no action.
- Have not been able to get it on the agenda.
- Would not have a problem taking a vote of confidence tonight.
- A lot of concerns in the community that City Manager is not stepping up to the plate.
- We do not have a strong Mayor form of government.
- Citizens need to know that we have a City manager that is capable of running this city.
- We need to get control in this city
- There was concern regarding former Mayor and Manager.
- Commitment is to the people of the community.
- Community is expecting more than we are giving
- Not condemning the Mayor or Manager.
- Manager needs to be held accountable.
- Need to require more from the City Manager
- Requests scheduling Performance Evaluation before the end of the year.

Commissioner Biggs addresses Commission and states:

- Not here to beat up on anybody, understands what Commissioner Walker is feeling.
- Commissioners should not and cannot wait until last minute to hear something.
- When do we, as Commissioners know what's going on.
- Everyone here has an interest in the city.
- When we come together, all I want is for us to respect each other.
- Whatever it takes to get it right, tonight is a good start.

Commissioner Babb addresses Commission and states:

- Not uncommon to perform and evaluation on the City Manager during 1st and 2nd years.
- Maybe schedule workshop to work out details for rating the evaluation.

Vice Mayor Crawford addresses Commission and states:

- Might be said that I am at city hall too much.
- Go by everyday, to check mail and meet with people of the community.
- Daily, the Clerk will call regarding people at city hall wishing to speak with me.
- Have no problem with the time that the Mayor and Manager spend together, feels that it is a good thing.
- Feels that former manager intentionally left me out of the loop.
- Former Mayor Sasser would keep me informed.
- Have no problem evaluating the Manager.

Approve Conducting an Annual Evaluation of the City Manager prior to New Year.

Motion by Commissioner Babb. Second by Commissioner Walker.

Motion carried unanimously.

New Business cont.:

Mayor Whitaker advises Commission that City Clerk Feltner is requesting some time off.

Clerk Feltner advises Commission:

- On Wednesday, October 28th, Husband has a medical appointment, will come in at 8:00 am and leave about 10:30am.
- Family coming in to visit. Requesting off November 4th and 5th, will be in office on November 6th to prepare Agenda.
- Requesting off on November 9th and November 10th.
- Deputy Clerk Warren will be available to the Commission and will handle the meeting scheduled for Tuesday, November 10th.

Commissioner Babb stated that Commission should look at the whole process of when time should be deducted and when it should be flex time.

Approve Clerk's Request for Time off.

Motion by Vice Mayor Crawford. Second by Commissioner Walker.

Motion carried unanimously.

Citizens Comments / General Concerns:

Richard Brown of 303 Carissima Drive, Pahokee, FL.

- Comment: Finds it distasteful that discussion and a motion was made regarding the marina, without Jim Sheehan's presence.
- Question: Why is it on Rardin Ave. that all these cars are being pulled over by Law Enforcement?
- Has witnessed some 50 cars being pulled over in less than 48 hours.

Vice Mayor Crawford advised:

- Have received several calls regarding the traffic stops.
- Vehicles were pulled over because people weren't wearing their seat belts.
- Seat belts are required, and now Officers can pull you over if they see you are not wearing one.

City Clerk Feltner advises that she was stopped at a school crossing regarding seatbelts and was given a verbal warning.

Sergeant at Arms Deputy Sheriff Padgett advises:

- Effective as of July 1, 2009, not wearing a seat belt is now considered a Primary Traffic Violation.
- An individual can be pulled over and cited for not wearing a seat belt.

Correspondence Comments and Concerns of the City Commissioners:

Commissioner Biggs:

- Thanks everyone for their attendance

- Remember when you express yourself it doesn't necessarily mean that you are mad, sometimes it just sounds that way.

Correspondence Comments and Concerns of the City Commissioners cont:

Commissioner Walker:

- Thanks for everyone attendance.
- Thanks the Commission for their patience.
- To manager, nothing personal just need to keep moving forward.
- Thanks employees for all their hard work.

Commissioner Babb:

- Received a complaint that some of the kids in the youth football program are not getting an opportunity to play.
- Inquires of Public Services Director Mr. Johnson if he could enlighten the Commission.
- Recommends that possibly some of the fee be waived if the child does not get to play, need to take a look to see how this can be addressed.

Public Services Director Alvin Johnson speaking, not at a microphone, inaudible.

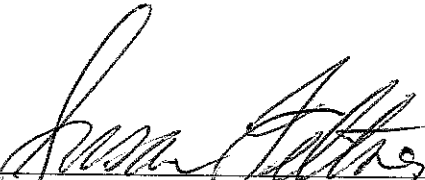
Vice Mayor Crawford:

- States that he spends a lot of time at city hall.
- I am called 85% of the time to city hall to speak with citizens.
- Sometimes it is just to notarize papers for citizens, does not charge for the service.
- Did call former attorney to be sure that more than one Commissioner can be at city hall at one time, and was advised yes.
- Wishes everyone a good night.

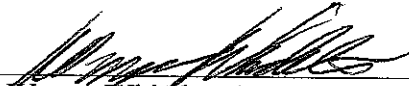
Mayor Whitaker:

- Stated that this was a good meeting.
- Thanks everyone for attendance.
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There being no further business of the City to discuss, Mayor Whitaker asks for a motion to adjourn. Motion carried unanimously. The meeting was adjourned at 9:14 p.m.



Attest: Susan Feltner, City Clerk



Wayne Whitaker, Mayor