

CITY OF CLEWISTON
Regular Commission Meeting
September 18, 2017

The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, September 18, 2017. The meeting was called to order at 5:00 p.m. by Mayor Gardner. Pastor Jeff Smith of the First United Methodist Church gave the invocation and the audience recited 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, Public Works Director Sean Scheffler, Recreation Director Lance Ramer, Police Chief Aaron Angell, Utilities Director Danny Williams, Code Enforcement Officer Debbie McNeil, Compliance Manager Lynne Mila, City Engineers Tommy Perry and Scott Jones and City Attorney Gary Brandenburg.

Visitors Present: Melanie McGahee, Donnie Hughes, Sandra Hare, Hillary Hyslope, Ramon Iglesias, Mary Ann Martin, Asa and Betty Godsey, Jerry Cochrane, Chris Felker, Antonio Perez, Karson Turner, Carl Berner, Kartrice Greaves, Tammy Waddell and Sassy Whitehead.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA – City Manager Perry stated that Agenda Item Nos. 4A and 4A.1 are added to the Agenda.

1. Consent Agenda

- A. *Commission Workshop Minutes – August 17, 2017*
- B. *Commission Budget Workshop Minutes – August 17, 2017*
- C. *Commission Meeting Minutes – August 21, 2017*
- D. *Commission Budget Workshop Minutes – August 24, 2017*
- E. *Special Commission Meeting Minutes – August 28, 2017*
- F. *Event Application – HRMC Breast Cancer Walk – October 28, 2017*
- G. *Industrial Park Retention Pond Agreement*

Exhibit: Agenda Item No. 1A – 1G

Recommendation: Recommended motion is to approve the consent agenda.

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. 2017-16 – Final Reading – Ordinance No. 2017-16 prohibits outdoor roadside sales of merchandise within the City.

Mayor Gardner summarized and read Ordinance No. 2017-16 by title. She stated that official notice of the public hearing was advertised accordingly and opened the public hearing.

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

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson to approve Ordinance No. 2017-16 and authorize the Mayor to sign. Vote 5 yeas, 0 nays

3. PUBLIC HEARING - Ordinance No. 2017-17 – Final Reading – Ordinance No. 2017-17 establishes a ban on medical marijuana treatment dispensary facilities.

Mayor Gardner summarized and read Ordinance No. 2017-17 by title. She stated that official notice of the public hearing was advertised accordingly and opened the public hearing.

Vice Mayor Atkinson noted this matter will be looked at again when the state legislators give more guidance regarding municipalities. City Attorney Gary Brandenburg stated that under the current legislation, medical marijuana treatment dispensary facilities are allowed everywhere that pharmacies are allowed or either they are not allowed at all.

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

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson to approve Ordinance No. 2017-17 and authorize the Mayor to sign. Vote 5 yeas, 0 nays

RESOLUTION

4. **Resolution No. 2017-10** – Resolution No. 2017-10 authorizes the Mayor or her designated representative to apply for and accept a highway beautification grant, and enter into a highway beautification council grant, landscape construction, and maintenance memorandum of agreement with the Florida Department of Transportation.

Mayor Gardner read Resolution No. 2017-10 by title.

City Manager Perry stated that staff plans to plant as many trees that can be planted within the budget and after the resolution is approved, the Commission will need to make a decision on the type of tree to be used for the project. He explained that the project has now been divided into three phases. Mayor Gardner expressed that she prefers the royal palms over the sabal palms. Commissioner Petersen noted that the cost for the royal palms has increased. Vice Mayor Atkinson pointed out that the ground was covered with fronds from the royal palms on Royal Palm Avenue after the storm. Mayor Gardner explained that she feels the reason is because the City does not trim the royal palms. City Engineer Tommy Perry stated that another non-native palm could be considered. Melanie McGahee addressed the Commission and explained that they have been trying to get this project done since 2015. She expressed that she prefers the royal palms be used unless there is some aversion to the royal palms. She stated that the project needs to move forward, she does not see any problem with the royal palms and feels they weathered the storm the best. Ms. Sandra Hare addressed the Commission and expressed that she feels the City's maintenance cost will increase because of the number of trees that will be planted. Ms. McGahee noted the trees are self-shedding and each tree will shed approximately one frond per month. She expressed that she feels the City's thoroughfare needs to be more attractive and stated there are costs associated with the project but feels it is worth the cost. Mayor Gardner noted the DOT has approved the placement of the royal palms in their right of way. Ms. McGahee stated that the royal palms are not expensive to maintain and DOT has said there is no safety issue with them. Ms. Hare explained that she was referring to the cost of the maintenance contract and expressed that she feels the City should make sure to get the proper amount of maintenance for the trees.

Mayor Gardner passed the gavel to Vice Mayor Michael Atkinson at this time.

Mayor Gardner made a motion, seconded by Commissioner Roland, for the royal palms to be the official tree for the Highway 27 Beautification Projects under the Highway Beautification Grants with the Florida Highway Beautification Grants as approved with the landscape plans for all the phases that are necessary to get it completed. Vote 5 yeas, 0 nays

Vice Mayor Atkinson passed the gavel back to Mayor Gardner.

Commissioner Roland made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2017-10 and authorize the Mayor to sign. Vote 5 yeas, 0 nays

- 4A. **Resolution No. 2017-11** – Resolution No. 2017-11 authorizes the Mayor to sign an Interlocal Agreement with Hendry County for Debris Removal.

Mayor Gardner read Resolution No. 2017-11 by title. City Attorney Brandenburg explained that this resolution authorizes the interlocal agreement which provides for the use of approved contractors and allows the City to utilize benefits of debris removal and a consultant to help in the federal reimbursement for the cost. He stated that under the contract, it is anticipated the City would receive a 75% reimbursement of the total cost for the debris removal and would be responsible for the remainder 25%. Mayor Gardner stated that she heard the City would receive a 90% reimbursement and would be responsible for 10%. Attorney Brandenburg stated that he feels this resolution and agreement would not preclude the City from receiving a 90% reimbursement and it does not need to be amended. City Manager Perry stated the City is not behind on debris cleanup and explained that the City has to follow federal procurement guidelines in order to get reimbursed the maximum amount. He said a debris analysis was done today. He also explained that if the City piggybacks on another jurisdiction's contract, the full amount will not be reimbursed. Mayor Gardner expressed that she would like to be reimbursed at the highest possible level from FEMA. Attorney Brandenburg stated that Hendry County has already executed a contract and this interlocal agreement will cover the City. He also stated that the consultant should be contacted so that the City can get a clear understanding of the percentages and procedures. He suggested revising the language in the contract and resolution to state that a minimum of 75% up to 100% will be reimbursed. Commissioner Rodriguez expressed that he feels it should not be approved until we are sure of the percentages. Mayor Gardner stated that she feels this contract is the right thing to do. Commissioner Rodriguez stated he wants to go ahead with the process and wants to make sure the information is accurate on the contract. City Manager Perry stated that the City is doing everything they can to get the answers. It was noted that the total cost of the debris removal was not known. Ms. Melanie McGahee said the City should make sure the funds are available to pay the difference. Vice Mayor Atkinson stated that he feels getting reimbursed 75% is better than not getting anything.

Mr. Juan Bentancor addressed the Commission and offered to do the cleanup. He stated he has the experience and it may be better to pay a local contractor if the price is better. He estimated the cost to be \$50,000 to \$70,000. Mayor Gardner stated that his name is on the list of local contractors that was provided to the County. Mr. Antonio Perez addressed the Commission and stated that he feels Mr. Bentancor's estimate is about right. He stated his company ground hurricane debris for the City in 2004 and 2005 and there was about 75,000 yards in both years.

Mr. Carl Berner addressed the Commission and asked how the City could enter into an agreement with Hendry County, how the City will address the difference in yards and when the contractor will begin work. Attorney Brandenburg stated that Hendry County's contract calls for AshBritt to do the cleanup countywide including in the cities. City Manager Perry stated that he does not believe an amount they are willing to cover will not be given. Mayor Gardner stated that she was told that it would be Wednesday or Friday this week when the work will begin. Mr. Berner stated that a local contractor could have started eight days ago. The Commission explained the contractor has to be approved with FEMA so the City can be reimbursed. Public Works Director Sean Scheffler explained that the estimate of the number of yards is to determine how many contractors are needed to remove the debris in a timely fashion. Mr. Perez stated the City should also consider the amount the County is paying the contractor because the amount the City is required to pay may be more than the actual cost to hire a local contractor to remove the debris. He also stated the City should be concerned with what would happen if the contractor does not show up once the contract is signed. Mr. Bentancor noted that he is an approved contractor with FEMA. Ms. Sandra Hare addressed the Commission and noted that the debris is being accumulated in an area in the park across from her house and expressed that she does not want the park to become a designated area for the debris. She also questioned what the City employees have been doing this last week since they have not been out with the City trucks cleaning things up. Mayor Gardner stated the City crews have been out working every day. She explained that the City is waiting for guidance from FEMA and the State. She also explained that City staff has been cut down quite a bit from over the years. Attorney Brandenburg stated that he feels that it is best for the City to enter into the interlocal agreement with the County and change the language to state the City will be reimbursed a minimum of 75% up to 100%. He suggested that the consultant, Thompson Consulting, Inc., be asked what the reimbursement percentage will be before the service starts and if the City is concerned with the rate, a stop amount should be included in the contract. Hendry County Commissioner Karson Turner addressed the Commission and stated that he will do everything in his power to pass the County's

reimbursement rate on to the City of Clewiston. He also stated that he feels a time certain for the contractor to begin removing the debris should also be inserted into the contract. He further stated that he feels Hendry County, City of LaBelle, City of Clewiston and the Hendry County School Board should all get together and work on the details and agreed to find out from Hendry County Manager Chapman how much will be charged per yard. Attorney Brandenburg explained that because the contractors are going to take direction from FEMA and possibly the governor's office and will work first in areas where there is total devastation, he does not feel a time certain should be inserted into the contract and agreed that language requesting that local contractors be used as submitted to the County could be used in both contracts. Mayor Gardner stated the resolution should be modified to state that reimbursement for a minimum of 75% up to 100% of the cost of the debris removal services and recovery assistance services is available from FEMA and the City has requested that local contractors as submitted to the County be first called to complete the work within the City limits. Attorney Brandenburg confirmed the revisions should be made to the resolution and the Interlocal Agreement. Mr. Berner asked where the debris will be stored. Mayor Gardner stated the FEMA site that was approved by FEMA and Hendry County is Airglades triangle.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve Resolution No. 2017-11 with the recommended changes as discussed and authorize the Mayor to sign. Vote 5 yeas, 0 nays

4A.1 Interlocal Agreement for Debris Removal – The Interlocal Agreement for Debris Removal between Hendry County and the City of Clewiston provides for Hendry County to give notice to AshBritt and Thompson Consulting Services, LLC to undertake and complete the services provided under their respective contracts throughout the entirety of the City of Clewiston.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve the Interlocal Agreement with the recommended changes as discussed and authorize the Mayor to sign. Vote 5 yeas, 0 nays

5. Departmental Monthly Activity Reports - Presented for information only.

PUBLIC COMMENTS – Mr. Ramon Iglesias, on behalf of Roland Martin's Marina and all business owners in the City of Clewiston, addressed the Commission and asked the City to give leniency as they do hurricane repairs. He explained that a homeowner is able to pull an owner builder permit for remodeling or repairs but a corporation is not and it is hard to get contractors to do the work especially when the damage is widespread through South Florida. Mayor Gardner said that currently state law does not allow corporations to pull permits and asked Community Development Director Travis Reese to talk about the governor's emergency order. Director Reese explained that the order allows general contractors, building contractors and residential contractors to also apply for roofing permits. Attorney Brandenburg agreed to research the matter to see if the City has the power to override the State law. Mr. Iglesias also expressed his concern with the quality of work that is being done by a licensed contractor on a piece of property. He then noted the lake has been surveyed and is in good shape and stated there is a fishing tournament this weekend and it is anticipated there will be 100 teams participating. He stated that he is proud to be a resident of the City of Clewiston and thanked the Commission for the work they have done during Hurricane Irma. Mayor Gardner stated that Attorney Brandenburg will research the matter regarding permitting for hurricane repairs to determine exactly what the City can and can't do.

Ms. Ashley Smith addressed the Commission and thanked them for everything they did during Hurricane Irma. She then informed the Commission that her last water bill was very high because it had been estimated for the previous six months. She said that she was told that she was still responsible for paying the bill, even though it was not her fault. Utilities Director Danny Williams agreed to look at this issue.

Mr. Juan Bentancor addressed the Commission in response to Mr. Iglesias' comment and noted that the apartments that are being built have been held up because of permitting. He also confirmed that he is a licensed contractor.

Mr. Jerry Cochran stated there is nothing the City can do right now about the debris removal. He urged residents to be patient. He also noted that the City Manager and some of the department heads have worked a lot of extra time during Hurricane Irma and pointed out they are not paid extra for that time. He expressed that he feels it would be nice if they could be paid a little extra for that time.

Ms. Kartrice Greaves addressed the Commission and asked if the debris will be picked up in the parks first. She stated that she is planning to re-open on Wednesday, September 20, 2017 but will have to see if the Department of Children and Families will allow her to open with the debris in the playground. City Manager Perry stated that it will be taken care of.

COMMENTS FROM CITY MANAGER - none

COMMENTS FROM THE CITY ATTORNEY - none

COMMENTS FROM THE CITY COMMISSION – Mayor Gardner honored Governor Rick Scott, Senator Marco Rubio, Michelle McGovern from Senator Bill Nelson’s office, Representative Mario Diaz-Balart, and most importantly the City team for everything they did related to Hurricane Irma. She stated the City will be better prepared next time and will schedule a meeting to discuss ways to improve the process.

ADJOURNMENT

The meeting was adjourned at 6:26 p.m.

Mali Gardner, Mayor

Mary K. Combass, Interim City Clerk