

CITY OF CLEWISTON
Regular Commission Meeting
October 16, 2017

The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, October 16, 2017. The meeting was called to order at 5:00 p.m. by Mayor Gardner. The audience joined in reciting the Lord's Prayer and 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, 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: Tish Swangler, Asa and Betty Godsey, Laura Smith, Donnie Hughes, Christine Howell, Marion Sparks, Terry Gardner and Jimmy Pittman.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA – City Manager Perry informed the Commission that Consent Agenda Items K and L and Agenda Items 9A and 9B have been added. He also stated that Agenda Item 7 will be discussed before Agenda Item 8.

1. Consent Agenda

- A. *Commission Budget Workshop Minutes – August 31, 2017*
- B. *Commission Workshop Minutes – September 14, 2017*
- C. *Tentative Budget Hearing Minutes- September 14, 2017*
- D. *Commission Meeting Minutes – September 18, 2017*
- E. *Commission Budget Workshop Minutes – September 21, 2017*
- F. *Final Budget Hearing Minutes – September 25, 2017*
- G. *Hendry County Library Cooperative Annual Plan of Service for FY 2018*
- H. *Proclamation – Red Ribbon Week – October 23-31, 2017*
- I. *Event Application – The Glow – October 31, 2017*
- J. *October 2012 Position Classification Plan*
- K. *Event Application – CHS Homecoming Parade – November 3, 2017*
- L. *Hendry County Library Cooperative Long Range Plan 2018-2023*

Mayor Gardner pulled Consent Agenda Item I for discussion.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve the Consent Agenda. Vote 5 yeas, 0 nays

I. **Event Application – The Glow – October 31, 2017** – Recreation Director Lance Ramer addressed the Commission and summarized the event. Police Chief Aaron Angell discussed road closure and stated that the Police Department may not have dedicated security for the event. He explained that resources will be stretched thin. He added that he may have the Explorer Post positioned there under the supervision of one officer in addition to the Recreation staff.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve Consent Agenda Item I with the stipulations that the Explorer Post under the supervision of a sworn police officer and Recreation staff will be positioned at the event. Vote 5 yeas, 0 nays

FMPA PRESENTATION REGARDING THE VERO BEACH SALE OF THEIR ENTITLEMENT SHARES TO ARP – Jacob Williams, FMPA CEO

Mr. Jacob Williams addressed the Commission and presented an overview of the Vero Beach sale of their entitlement shares to FMPA's ARP. He explained that consents and waivers are needed from the City of Clewiston and others to release Vero Beach from FMPA agreements. He stated that October 23, 2017 is their goal to have the documents ready for the attorneys to review.

ORDINANCES

- 2. Ordinance No. 2017-18 – First Reading** – Ordinance No. 2017-18 pertains to accessory structures, provides for amendments to Sec. 110-526 of the Code of Laws of the City relating to definition of accessory structure, heights and sizes of garages and carports, and the use of shipping containers as accessory structures in the industrial districts.

Mayor Gardner read Ordinance No. 2017-18 by title. She stated that there were several amendments and it had been reviewed several times.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Ordinance No. 2017-18 on first reading and set the public hearing for November 20, 2017. Vote 5 yeas, 0 nays

- 3. Ordinance No. 2017-19 – First Reading** – Ordinance No. 2017-19 clarifies and establishes the responsibility for the costs of relocation of utilities in the alley and easements abandoned by Ordinance No. 2016-06.

Mayor Gardner read the Ordinance No. 2017-19 by title.

Commissioner Roland left the meeting at 5:55 p.m.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen to approve Ordinance No. 2017-19 on first reading and set the public hearing for November 20, 2017. Vote 4 yeas, 0 nays (Commissioner Roland was not in the room and did not vote.)

RESOLUTIONS

- 4. Resolution No. 2017-12** – Resolution No. 2017-12 recognizes Florida City Government Week and honors City employees for their outstanding service and performance before, during and after Hurricane Irma.

This agenda item was discussed after the FMPA Presentation.

Mayor Gardner asked all City employees that are present and worked during the hurricane event to stand and read Resolution No. 2017-12.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve Resolution No. 2017-12 and authorize the Mayor to sign. Vote 5 yeas, 0 nays

- 5. Resolution No. 2017-13** – Resolution No. 2017-13 approves an amnesty period for residents to pay outstanding Code Enforcement Liens.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2017-13 and authorize the Mayor to sign. Vote 4 yeas, 0 nays (Commissioner Roland was not in the room and did not vote.).

- 6. Resolution No. 2017-14** – Resolution No. 2017-14 adopts amendments to the budget for fiscal year 2016-2017.

Commissioner Roland rejoined the meeting at 5:58 p.m.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2017-14 and authorize the Mayor to sign. Vote 5 yeas, 0 nays

7. **Resolution No. 2017-15** – Resolution No. 2017-15 authorizes the purchase of property and the building located at 300 South Berner Road, Clewiston FL, PCN 3-34-43-16-A00-006.0100, and authorizes the Mayor to sign the Agreement.

Commissioner Roland made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2017-15 and authorize the Mayor to sign the Agreement with the addition of Amendment No. 1 to Contract for Sales and Purchase Between Seacoast National Bank and the City of Clewiston. Vote 5 yeas, 0 nays

8. **Resolution No. 2017-16** – Resolution No. 2017-16 authorizes the Mayor to sign a Grant Agreement (Grant Number G1619) with the State of Florida, Office of Criminal Justice, Florida Department of Law Enforcement, for the funding of the acquisition of property, building, renovations and equipment for a new Clewiston Police Department.

This agenda item was discussed before Agenda Item No. 7.

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

9. **Resolution No. 2017-17** – Resolution No. 2017-17 authorizes the Mayor to apply for and accept a Florida Job Growth Grant, and enter into a Grant Agreement with the Florida Department of Economic Opportunity.

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

- 9A. **Resolution No. 2017-18** – Resolution No. 2017-18 amends Section 5.07 of Chapter 5 of the Clewiston Personnel Policy Manual.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2017-18 with no cap on the ability to receive merit increases and authorize the Mayor to sign. Vote 5 yeas, 0 nays

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

- 9B. **Approval of distribution of \$70,460 of Federal Fiscal Year 2017 Edward Byrne Memorial JAG Program funds.**

Vice Mayor Atkinson made a motion, seconded by Commissioner Roland, to approve the distribution of \$70,460 of Federal Fiscal Year 2017 Edward Byrne Memorial JAG Program funds. Vote 5 yeas, 0 nays

10. **Discussion regarding the Ownership of North Francisco Street** – City Attorney Gary Brandenburg will provide an update on this matter.

City Attorney Brandenburg stated that the title search indicates that the portion of Francisco Street North of US 27 to the North line of Okeechobee Boulevard is owned by the City of Clewiston and the portion of Francisco Street lying North of the North line of Okeechobee Boulevard is owned by United States Sugar Corporation. He also agreed to provide copies of all documents to the Commission and reminded the Commission that the local title companies felt the search was somewhat complicated and did not want to get involved and the title company that was used had to make several trips to Hendry County and Lee County to obtain the information. He added that Hendry County previously made a determination that the property was owned by the City.

11. **Approval of State Aid to Libraries Grant Agreement between the State of Florida, Department of State and City of Clewiston for and on behalf of Hendry County Library Cooperative** – Finance Director Shari Howell has examined this agreement and it is essentially the same the City has entered into for the last several years.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve the State Aid to Libraries Grant Agreement. Vote 5 yeas, 0 nays

12. **Authorization to use Water Impact Fees for one-half (1/2) the cost of new water lines for Alan Jay's new construction** – City Manager Perry

City Manager Perry explained that Alan Jay is ready to break ground on their new facility and they are running into some high expenses regarding their utilities relocation. He stated that he is asking the City to utilize water impact fees to cover one-half the cost of the water line. City Engineer Scott Jones stated that the new water line will be beneficial to the whole area and is necessary in developing the downtown district.

Commissioner Roland made a motion, seconded by Commissioner Rodriguez to use water impact fees to fund one-half the cost of the water line needed by the Hampton Inn. Vote 5 yeas, 0 nays

13. **Authorization for Johnson-Prewitt & Associates, Inc. to produce a design build spec for the building being purchased at 300 South Berner Road, Clewiston, FL and a backup plan for the Clewiston Utility Building** – City Manager Perry

City Engineer Tommy Perry addressed the Commission and explained that it was suggested that a design and bid be done instead of a design build for the remodel. He stated they have talked to LIS who believes they can do the work for the amount that the City Manager will be authorized to move forward with. He informed the Commission that a meeting with LIS, Chief Angell and himself is scheduled this week to hopefully get a firm answer and proposal. He explained that if they are not able to do the work, they will then move forward with advertising for an RFQ. Mayor Gardner stated that she would like to see a schedule of the steps for this project. Attorney Brandenburg recommended that the City go ahead and advertise at this time for an architect so that no time is wasted.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to advertise an RFQ for an architect to provide architectural services to remodel the Seacoast Bank Building or the City Utility Building. Vote 5 yeas, 0 nays

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to allow the technical review committee to rank the architects. Vote 5 yeas, 0 nays

14. **Departmental Monthly Activity Reports** - Presented for information only.

PUBLIC COMMENTS – Mr. Jerry Cochran addressed the Commission and expressed that he feels the position classification plan needs to be reviewed.

COMMENTS FROM CITY MANAGER – City Manager Perry informed the Commission the storm debris pick-up is approximately 2000 – 2500 cubic yards out of the city limits each day.

COMMENTS FROM THE CITY ATTORNEY - none

COMMENTS FROM THE CITY COMMISSION – Commissioner Roland stated that he will be providing information to Attorney Brandenburg regarding a resolution about Lake Okeechobee, the spraying on the Lake and storing water north of the Lake.

Commissioner Rodriguez asked if the City will have to pay for the mulching, chipping or burning of the hurricane debris. City Manager Perry agreed to look into the matter.

Vice Mayor Atkinson stated that he wanted to make sure that we discuss the recycling matter. Mayor Gardner stated that it will be discussed at the October 30, 2017 Commission Workshop. Vice Mayor Atkinson stated that he discussed the possibility of auctioning the Park of Commerce with Attorney Brandenburg and requested that matter also be placed on the agenda for discussion at the October 30, 2017 Commission Workshop.

Mayor Gardner announced that Congressman Mario Diaz-Balart's staff will be at the Community Development Building tomorrow from 2:00 p.m. to 5:00 pm. She added that they come to the Community Development Building once each month.

Commissioner Petersen stated that she will not be here for the November 20, 2017 Commission Meeting but will be phoning in to the meeting.

Mayor Gardner announced that Alcee Hastings is hosting a meeting about Lake Okeechobee and the Herbert Hoover Dike on Wednesday at the Belle Glade Library.

The meeting was adjourned at 6:50 p.m.

Mali Gardner, Mayor

Mary K. Combass, Interim City Clerk