

CITY OF CLEWISTON
Regular Commission Meeting
January 7, 2019

The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, January 7, 2019. The meeting was called to order at 5:30 p.m. by Mayor Gardner. Pastor Cerda of the Clewiston Ministerial Association gave the invocation and Chloe Alarcon led the audience in reciting the Pledge of Allegiance.

Commissioners Present: Mayor Mali Gardner, Vice Mayor Michael Atkinson, Commissioner Melanie McGahee, Commissioner Kristine Petersen and Commissioner Julio Rodriguez.

Personnel Present: Interim City Manager/Finance Director Shari Howell, Interim City Clerk Kathy Combass, Police Chief Aaron Angell, Public Works Director Sean Scheffler, Utilities Director Danny Williams, Code Enforcement Officer Debbie McNeil, Laurie Lindsey, Diana Porter, Bill Engel, Daniel Whitehead, Miguel Carmona, City Engineer Scott Jones and City Attorney Gary Brandenburg.

Visitors Present: Wendell Johnson, Steve Schneider, Laura Smith, Raoul Bataller, Libby Williams, Donnie Hughes, Betty Godsey, Terry Gardner, Pepe Lopez, Keisha Burchell, Ivan Cerda, Brenda Prudencio, Chloe Alarcon, Rocket Engel and Andy Tilton.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA – ICM/Finance Director Shari Howell noted that each of the events under the Consent Agenda are considered for approval contingent upon approval of the Fire Safety Permit Application by the Fire Marshal and that if the Iron Tiger 5K Run is approved, there would be no road closures as the Police Chief has agreed to provide a police escort. She also noted that City Attorney Brandenburg has requested that Agenda Item No. 9 regarding the current contracts for the sale of two lots in Commerce Park be added. She stated that Director of the Year, Sean Scheffler, should be added to the list of 2018 Employees of the Year to be recognized.

1. Consent Agenda

- A. *Event Application – CHS Wrestling Team First Annual Iron Tiger 5K Run – February 2, 2019*
- B. *Event Application – Hendry County Fair – February 12-17, 2019*

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

RECOGNITION OF 2018 EMPLOYEES OF THE YEAR – Sean Scheffler – Director of the Year; Miguel Carmona – General Services; Diana Porter – Police Department; Bill Engel – Public Works Department; and Daniel Whitehead – Utilities Department.

Mayor Gardner introduced the 2018 Employees of the Year and thanked them for a job well done.

PUBLIC HEARING

- 2. PUBLIC HEARING – Ordinance No. 2018-06 - Final Reading -** Ordinance No. 2018-06 amends Section 110-499 of Chapter 110, of Division 13, the Commerce Park Industrial District (CPID), of the Clewiston Code of Ordinances.

Mayor Gardner summarized and read Ordinance No. 2018-06 by title. She opened the public hearing and asked for comments or questions. She stated that notice of the public hearing was duly advertised. As there were no comments or questions, Mayor Gardner closed the public hearing.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Ordinance No. 2018-06 on final reading and authorize the Mayor to sign. Vote 5 yeas, 0 nays

RESOLUTIONS

3. **Resolution No. 2019-01** – Resolution No. 2019-01 authorizes the Mayor to execute an Agreement for City Manager Services Between the City of Clewiston and Wendell Johnson.

Mayor Gardner summarized and read Resolution No. 2019-01 by title.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve Resolution No. 2019-01. Vote 5 yeas, 0 nays

The Commission thanked Director Howell for her service as the Interim City Manager. The Commission welcomed Mr. Wendell Johnson. Interim City Manager Johnson stated that he is flattered that he was invited to come back to the City of Clewiston as the Interim City Manager and is happy to be back.

4. **Resolution No. 2019-02** – Resolution No. 2019-02 authorizes the Mayor to execute a Professional Services Agreement for Special Magistrate services with Davis & Ashton, P.A.

City Attorney Brandenburg stated that Mr. Keith Davis is well qualified to be the City's special magistrate and has an extensive background in municipal law and code enforcement matters. Mayor Gardner summarized and read Resolution No. 2019-02 by title.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve Resolution No. 2019-02. Vote 5 yeas, 0 nays

5. **Resolution No. 2019-03** – Resolution No. 2019-03 authorizes the Mayor to execute a Communications Services Tax Agreement for Access to Confidential State Tax Information between the City of Clewiston and the Florida Department of Revenue.

Mayor Gardner summarized and read Resolution No. 2019-03 by title.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve Resolution No. 2019-03. Vote 5 yeas, 0 nays

City Attorney Brandenburg confirmed that there is no financial impact for this agreement.

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

6. **Appointment of Member to the Golf Course Advisory Board** – The Golf Course Advisory Board consists of seven members. Board Member Robbie Castellanos has resigned and Luke Kurtz has applied for the vacancy and appears to be qualified. At the December 20, 2018 Golf Course Advisory Board Meeting, the Board recommended appointing Luke Kurtz to fill the vacancy.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to appoint Luke Kurtz to fill the vacancy on the Golf Course Advisory Board. Vote 5 yeas, 0 nays

7. **Appointment of Seminole Tribe of Florida Committee Advisor to the Golf Course Advisory Board** – At the suggestion of Director of Golf/Golf Pro Robbie Rush, who feels that it would be beneficial to receive recommendations and suggestions from the Seminole Tribe of Florida, the Golf Course Advisory Board recommended appointing Cicero Osceola as a Seminole Tribe of Florida Committee Advisor to the Golf Course Advisory Board at the December 20, 2018 Golf Course Advisory Board Meeting.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to appoint Cicero Osceola as a Seminole Tribe of Florida Committee Advisor to the Golf Course Advisory Board.

8. **Discussion regarding requirement of driveway apron paving** - Ordinance No. 2017-21, approved by the City Commission on January 22, 2018, amended Section 202-75, Construction Requirements for Curbs, Curb Cuts and Driveways, to change the date to

require property owners to pave at the property owners' expense certain driveway aprons no later than February 1, 2019.

Mayor Gardner stated that a discussion regarding this matter is needed because there is currently no plan on how to proceed with this project. She noted that there are 219 unimproved aprons and 311 aprons in disrepair. She stated that staff will need additional time to come up with a recommendation to the Commission so that clear direction can be given by the Commission on how to address the project. The Commission requested that a new ordinance be prepared to extend the date to require property owners to pave, at the property owners' expense, certain driveway aprons to no later than February 1, 2020. She expressed that the Commission would like to complete the project this year.

9. **Discussion regarding the As-Is Contracts for Sale and Purchase between the City of Clewiston and Polaroma, LLC for the sale of Lot 6 in Clewiston Commerce Park and NQAS Corp. for the sale of Lot 4 in Clewiston Commerce Park** – City Attorney Brandenburg stated that he recommended adding this item to the agenda. He suggested that with respect to the contract with NQAS Corp., the inspection period be extended an additional 20 days and with respect to both contracts, he suggested the Commission authorize him to revise the deed restrictions to the property relating to construction and permanent financing and to allow the deed restrictions to terminate when a Certificate of Occupancy is obtained. He explained that if the Commission authorized him to make the changes at closing, it would not have to come back to the Commission for approval but if they would like to see the changes, they could require him to bring it back to them at the next meeting for approval.

Commissioner Rodriguez stated that based on his conversation with Mr. Santamaria, the purchaser of Lot 6, that there was some discrepancy on the square footage of the property, which determined the sale price and asked Attorney Brandenburg to explain what happened to the Commission. Mr. Brandenburg stated that the specific contract terms were presented to him with a specific dollar amount and did not contain a per square foot price and an agreement with that information was signed by the purchaser. Subsequently the square footage amount was filled in with the wrong number; it was then corrected and Mr. Santamaria has realized the sale price is about \$1.22 per square foot. Because there was some discussion with the former City Manager about the sale price being at \$1.20 per square foot, Mr. Santamaria has asked that the sale price be changed to a \$1.20 per square foot. Attorney Brandenburg noted the contract sale price for Lot 4 is at \$1.20 per square foot and stated that it is up to the Commission to decide whether or not they would like to change the sale price for Lot 6. The Commission agreed to grant a 20 day inspection period extension for NQAS, change the deed restrictions for both contracts and adjust the square foot price to \$1.20 per foot for the sale of Lot 6. Mr. Brandenburg agreed to bring back all items in writing at the next meeting for approval by the Commission.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve an extension of the inspection period for an additional 20 days with regard to the contract for the sale of Lot 4 in Clewiston Commerce Park to NQAS Corp. Vote 5 yeas, 0 nays

PUBLIC COMMENTS – Ms. Laura Smith addressed the Commission and stated that a PAWS Spay and Neuter Clinic will be held on Wednesday, January 9, 2019. She also stated the Gulf Coast Humane Society will hold a clinic on February 28, 2019 at Tractor Supply. Mayor Gardner stated that she has heard about fundraising efforts and asked Ms. Smith to bring back any fundraising information. Ms. Smith stated that there are many needs for items at the shelter and stated that she would be happy to pick up any donations.

Mr. Melkiah addressed the Commission and stated that he is trying to start a business and asked if there is a location that he could post signs to advertise his business. Mayor Gardner stated that Code Enforcement Officer Debbie McNeil could give him some information regarding signage in the City limits and would be able to refer him to Hendry County for information regarding signage outside the City limits.

Public Works Director Sean Scheffler stated that he is looking forward to discussing some projects with Interim City Manager Johnson. He confirmed that one of those projects is a paving project and stated that the City has applied for state funding in the amount of \$1.4

million for a complete street project for Ventura that would include the infrastructure under the paving, the reconstruction of the paving, lighting and sidewalks. He explained that we are not certain that it will be approved and if it is approved, it probably would not be available until the next cycle. He stated that we will be prepared to offer a Plan A which is to pave Ventura without any infrastructure repairs if we don't receive the state funding and a Plan B which is to move it to the 2020 paving project. Vice Mayor Atkinson expressed that he would like to go ahead and include it with the 2020 paving project so that if we don't get the state funding this year, we will pave Ventura next year regardless. Mayor Gardner asked staff to discuss this matter with Interim City Manager Johnson and come back with a recommendation. Mayor Gardner asked about the paving for Olympia from US27 to Ventura Avenue. Director Scheffler stated that is an alternate to the 2019 project and will depend on the cost.

COMMENTS FROM CITY MANAGER - none

COMMENTS FROM THE CITY ATTORNEY - none

COMMENTS FROM THE CITY COMMISSION – Commissioner Rodriguez asked for an update regarding the contaminated dirt on US 27. Vice Mayor Atkinson stated that he was told by DOT that they are working on it and Director Scheffler stated that he is also communicating with DOT. Commissioner Rodriguez asked if staff had plans to repair the hot spot area behind Kentucky Fried Chicken and Director Scheffler confirmed that repair had been done. Director Scheffler also stated that hot spot paving is an item that he will be discussing with Interim City Manager Johnson.

Commissioner Rodriguez stated that with the leadership of Mayor Gardner and Interim City Manager, he is looking forward to a productive year for 2019.

Mayor Gardner stated that she is also looking forward to 2019 and announced that there is a Commission Workshop on January 28, 2019 at 3:30 p.m. with discussions on items that the Commission would like to see accomplished for 2019.

ADJOURNMENT

The meeting adjourned at 6:15 p.m.

Mali Gardner, Mayor

Mary K. Combass, Interim City Clerk