

CITY OF CLEWISTON
Regular Commission Meeting
April 1, 2019

The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, April 1, 2019. The meeting was called to order at 5:35 p.m. by Mayor Gardner. Pastor Gary McNealy of the Clewiston Ministerial Association gave the invocation and the audience joined in reciting the Pledge of Allegiance.

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

Personnel Present: Interim City Clerk Kathy Combass, Finance Director Shari Howell, Assistant Police Chief Marci VanD'huynslager, Public Works Director Sean Scheffler, Utilities Director Danny Williams, Community Development Director Travis Reese, Library Director Natasha Hayes, Director of Golf Robbie Rush, Code Enforcement Officer Debbie McNeil, City Engineer Scott Jones and City Attorney Gary Brandenburg.

Visitors Present: Steve Schneider, Laura Smith, Jerry Cochrane, Donnie Hughes, Asa and Betty Godsey, Melkiah Gilliam, Pepe Lopez, Andy Tilton, Terry Gardner, Miller Couse, Lewell Hughes, Mike and Dena Pittman, Ryan Duffy, Jennifer Black, Sylvester Humphrey, Lorina Scheffler, Jimmy Pittman, Dave Kelly, Vic McCorvey, Pedro Diaz, Antonio Perez, Raoul Bataller, Laura Centeno, Don Shivers, Ann Shivers and David Shivers.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA- Mayor Gardner stated that a notice of resignation effective today was received from Interim City Manager Wendell Johnson due to family medical issues. She also stated the Commission needed to decide who to name as the Interim City Manager for the next few months. She stated that as discussed at the workshop before this meeting, she had recommended that Attorney Brandenburg be named as the Interim City Manager. She felt that it would not be in the City's best interest if someone completely new was brought in or if Finance Director Shari Howell, Public Works Director Sean Scheffler or Utilities Director Danny Williams were named because of their responsibilities at this time.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, that City Attorney Gary Brandenburg remain as independent counsel so that when issues come up, he is free and clear of having a foot on both sides of the fence, and to nominate Finance Director Shari Howell with the support of the other directors to be the Interim City Manager and the contact person to work with City Attorney Gary Brandenburg as they were doing previous to Wendell Johnson coming in as the Interim City Manager. Vote 2 yeas, 2 nays (**Motion failed.** Mayor Gardner and Commissioner McGahee voted nay.)

Before the vote, Mayor Gardner expressed that she is not in favor of naming Director Howell the Interim City Manager because of her work load and the critical decisions that need to be made. She feels that Attorney Brandenburg could guide the City and Director Howell on the day-to-day activity. There was a brief discussion as to whether or not there would be a conflict of interest if Attorney Brandenburg were to serve as the Interim City Manager. Commissioner McGahee stated that her understanding was that Attorney Brandenburg was going to serve as the Interim City Manager and Finance Director Howell was going to be the point of contact. She then asked Director Howell if she was willing to serve as the Interim City Manager. Mayor Gardner stated that she has seen the toll that the responsibility previously took on Director Howell and also has that concern with any of the other directors. Director Howell stated that this is not an ideal solution but would agree to serve for a short term with the understanding that it is not ideal and things will fall between the cracks. After further discussion, Commissioner McGahee explained the different types of conflicts of interest and expressed that she feels there would not be a recurring conflict of interest with Attorney Brandenburg serving as the Interim City Manager.

Commissioner McGahee made a motion, seconded by Mayor Gardner after passing the gavel to Vice Mayor Atkinson, that Attorney Brandenburg serve as

the Interim City Manager with Finance Director Howell as the point of contact on the ground for the City. Vote 2 yeas, 2 nays (**Motion failed.** Vice Mayor Atkinson and Commissioner Petersen voted nay.)

Attorney Brandenburg stated that he is no longer willing to serve as the Interim City Manager and noted that by eliminating himself as a choice might make the Commission's decision easier. Commissioner McGahee asked if there is anyone outside of the City directors that would be willing to serve. Vice Mayor Atkinson suggested that Jimmy Pittman be named as the Interim City Manager. Mr. Pittman stated that he does not have the time and feels that a City staff member should be named.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, for Public Works Director Sean Scheffler to be named Interim City Manager. Vote 2 yeas, 2 nays (**Motion failed.** Mayor Gardner and Commissioner McGahee voted nay.)

It was the general consensus of the Commission to wait to make the decision on whom to name as the Interim City Manager at a later time to allow more time for discussions between the Commission and City staff. Mayor Gardner stated that someone has to be the point of contact to make decisions at this point.

Commissioner McGahee made a motion, seconded by Commissioner Petersen, to name Finance Director Shari Howell the point of contact for all employees with regard to issues or anything that needs to be dealt with in the interim. Vote 4 yeas, 0 nays

Attorney Brandenburg recommended the Commission name Director Howell as the Interim City Manager until the Commission decides otherwise.

Commissioner McGahee revised her motion, seconded by Commissioner Petersen, to name Finance Director Shari Howell Interim City Manager for all employees with regard to issues or anything that needs to be dealt with in the interim. Vote 4 yeas, 0 nays

1. Consent Agenda

- A. *Commission Workshop Minutes – March 4, 2019*
- B. *Commission Meeting Minutes – March 4, 2019*
- C. *Proclamation – Don Shivers*

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve the Consent Agenda. Vote 4 yeas, 0 nays

PRESENTATION TO DON SHIVERS – Mayor Gardner read the proclamation commending Mr. Shivers for his service on the Area Housing Commission. She expressed her appreciation on behalf of the City Commission to Mr. Shivers and his family. Mr. Shivers gave an update of what is currently happening with the Area Housing Commission.

U.S. SUGAR CORPORATION FUNDING PRESENTATION TO CITY OF CLEWISTON FOR TRINIDAD PARK IMPROVEMENTS – Jennifer Black, Community Relations, of U.S. Sugar Corporation, thanked everyone for their hard work on the Sugar Festival. She then stated that the check presented today is to help complete the Trinidad Park Project. She also stated that U.S. Sugar hopes to continue to make a \$50,000 contribution each year for other parks for the next five years. The Commission expressed their thanks to Ms. Black for all of her help.

PUBLIC HEARING

- 2. **Ordinance No. 2019-02 – PUBLIC HEARING - Final Reading** – Ordinance No. 2019-02 revises Article III of the Code of Ordinances to provide alternative purchasing methods for professional services.

Mayor Gardner asked that anyone wishing to speak on this matter to come forward and be sworn in by City Attorney Brandenburg. She then summarized and read Ordinance No. 2019-02 by title and stated that the hearing was advertised accordingly. As there were no questions or comments, Mayor Gardner closed the public hearing.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson to approve Ordinance No. 2019-02 on final reading and authorize the Mayor to sign. Vote 4 yeas, 0 nays

RESOLUTIONS

3. **Resolution No. 2019-13** - Resolution No. 2019-13 authorizes the re-naming of the Clewiston Municipal Golf Course to the J. Nelson Fairbanks Municipal Golf Course.

Mayor Gardner summarized and read Resolution No. 2019-13.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson to approve Resolution No. 2019-13. Vote 4 yeas, 0 nays

Mayor Gardner noted that the corporate donors, U.S. Sugar, the Fairbanks family and the community will be invited to the official re-naming event.

4. **Resolution No. 2019-14** - Resolution No. 2019-14 re-evaluates the Lake Okeechobee Operations by the US Army Corps of Engineers pursuant to the National Environmental Policy Act Assessment for the Lake Okeechobee System Operation Manual.

Mayor Gardner summarized and read Resolution No. 2019-14.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2019-14. Vote 4 yeas, 0 nays

5. **Resolution No. 2019-15** - Resolution No. 2019-15 approves CenturyLink Order #Q-00707993 for fiber internet and integrated access services for the Police Department building located at 300 South Berner Road.

Mayor Gardner summarized and read Resolution No. 2019-14 by title. Interim City Manager Shari Howell stated that this order is for the internet services that will be provided to the Police Department. She explained that the services are currently aerially coax by Comcast and staff recommended that it would be better to go with fiber and CenturyLink is the better option. She added that the Police Department will have to absorb the extra funding for this year.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2019-15. Vote 4 yeas, 0 nays

6. **Resolution No. 2019-16** - Resolution No. 2019-16 accepts the lease proposal of Club Car, LLC for sixty (60) new 2019 golf carts for the Clewiston Golf Course, utilizing the current golf cart fleet trade-in value of \$59,950.00, subject to subsequent approval of a state and local government lease-purchase agreement with lease finance provider De Lage Landen Public Finance, LLC.

City Attorney Brandenburg stated that after his discussion with the Club Car Representative Dave Kelly before this meeting, Mr. Kelly expressed that Club Car would be cooperative in any way the City desires. He explained that a straight lease of the carts is possible, although it was not quoted by them. He added that the lease purchase that was quoted by them has an absolute obligation that the City pay the \$87,000 at the end of that lease period and if the City decided to purchase the carts using local financing, Club Car would cooperate and their price would be reflected as the price with the interest backed out and if the City wanted to do a rolling purchase or lease or lease purchase of carts, Club Car would also cooperate in that regard. He then discussed another option of using a piggy back agreement that the City may want to consider. He stated the City needs to determine which approach they want to take. Mayor Gardner stated that she feels a decision should not be made tonight. Mr. Miller Couse

suggested the City go ahead and replace 60 carts at this time and start a rolling program in the future. Mayor Gardner suggested that a decision be made at the April 15 Commission Meeting.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to table this matter to the next meeting with a recommendation from the Golf Course Advisory Board and the City Manager. Vote 4 yeas, 0 nays

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

7. **City Attorney request for Commission to request the Special Magistrate to reconsider his decision dismissing City of Clewiston v. Sugarland Plaza, Inc., Case No. 18-0491 and finding it in compliance – City Attorney Gary Brandenburg.**

Attorney Brandenburg explained that he feels the Special Magistrate's determination was erroneous because it is contrary to the position that the Commission took a week prior to that time. He recommended the Commission authorize him to ask the Special Magistrate to reconsider that order and set the matter for a hearing to determine if Sugarland Plaza is in violation of the City's code.

Commissioner McGahee made a motion, seconded by Vice Mayor Atkinson, for City Attorney Brandenburg to request the Special Magistrate to reconsider his decision dismissing City of Clewiston v. Sugarland Plaza, Inc., Case No. 18-0491. Vote 4 yeas, 0 nays

PUBLIC COMMENTS – Mr. Jerry Cochrane addressed the Commission and stated that he feels Director Howell will do a good job as the Interim City Manager and hopes that she receives a substantial pay adjustment for the additional duties. He then expressed his concern with golf carts being operated by kids and asked that a message be sent to the Police Chief asking for more enforcement. Mayor Gardner noted that Assistant Police Chief Marci VanD'huynslager was in attendance and will take the message to the Chief. Assistant Chief VanD'huynslager encouraged citizens to call when they see kids operating golf carts as it helps them to enforce the code.

Mr. Raoul Bataller expressed that he feels an Assistant City Manager position for the City should be put together and feels that Director Danny Williams would be a good candidate for that position because he is a problem solver and is able to narrow down exactly what is needed.

COMMENTS FROM CITY MANAGER - none

COMMENTS FROM THE CITY ATTORNEY – Attorney Brandenburg stated that both sales have closed on the lots in the Park of Commerce.

COMMENTS FROM THE CITY COMMISSION- Mayor Gardner stated that she had an opportunity to attend an event where the U.S. President came to learn about Lake Okeechobee. She stated that she is very thankful that she was able to be there and speak to him about the City's concerns. She also stated that she is also thankful that she was able to meet our governor and thank our senators and congressmen for the work they do on our behalf.

ADJOURNMENT

The meeting adjourned at 6:37 p.m.

Mali Gardner, Mayor

Mary K. Combass, Interim City Clerk