

**CITY OF CLEWISTON
Regular Commission Meeting
September 23, 2019**

The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, September 23, 2019. The meeting was called to order at 5:30 p.m. by Mayor Gardner. Mayor Gardner gave the invocation and the audience joined in reciting the Pledge of Allegiance.

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

Personnel Present: City Manager Randy Martin, Interim City Clerk Kathy Combass, Finance Director Shari Howell, Police Chief Aaron Angell, Assistant Police Chief Marci VanD’Huynslager, Utilities Director Danny Williams, Lynne Mila, City Engineer Andy Tilton and City Attorney Gary Brandenburg.

Visitors Present: Steve Schneider, Jerry Cochrane, Christine Howell, Laura Smith, Raoul Bataller, Donnie Hughes, Darryl Moore, Terry Gardner, Andrew Jones, Asa and Betty Godsey, Lisa Sands, Electa Waddell, Eddie Thompson and Lewell Hughes.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA - none

PUBLIC COMMENTS – Mrs. Laura Smith announced that the next spay and neuter clinic will be held on September 26, 2019 at Tractor Supply and requested that everyone ask people to spay and neuter their pets.

Mrs. Electa Waddell announced that Hendry Regional Medical Center will be hosting the Pink Warriors Walk on October 26, 2019. She stated that over \$40,000 has been raised and over \$15,000 of those funds has been used in our area. She then announced that the medical center will be having an open house on October 1, 2019 from 5:00 p.m. to 7:00 p.m. in the Imaging Department for their new 3D mammography unit.

Mr. Eddie Thompson came forward to speak about his neighbors playing loud music late at night. Mayor Gardner asked Manager Martin and Police Chief Aaron Angell to address the matter.

1. Consent Agenda

- A. City Commission Workshop Minutes – June 3, 2019*
- B. City Commission Meeting Minutes – June 3, 2019*
- C. City Commission Workshop Minutes – June 17, 2019*
- D. City Commission Meeting Minutes – June 17, 2019*
- E. City Commission Budget Workshop Minutes – June 17, 2019*
- F. City Commission Budget Workshop Minutes – July 16, 2019*
- G. Hendry County Library Cooperative Annual Plan of Service 2019-2020*
- H. Clewiston Chamber of Commerce Service Agreement – contingent upon budget approval*
- I. Clewiston Museum Service Agreement – contingent upon budget approval*
- J. Event Application – Hendry Regional Medical Center Pink Warriors Walk*
- K. Declaration of Surplus Equipment – Clewiston Golf Cart Fleet*
- L. For informational purposes - Interlocal Agreement for Debris Monitoring between Hendry County and the City of Clewiston*

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

PRESENTATION OF 2018 ANNUAL FINANCIAL REPORT – Andrew Jones, CPA – A copy of the 2018 Annual Financial Report can be viewed on the City’s website.

Mr. Andrew Jones reviewed the audit report with the Commission. He stated the opinion was a clean audit opinion presented fairly in all material respects. He also stated that because of the implementation of the Governmental Accounting Standards Board (GASB) Statement No. 75, the City's reported net position was decreased by \$1,252,167. It was noted that this happened to many other cities. After further review, Mr. Jones confirmed he met with Manager Martin and Finance Director Howell regarding the audit. Manager Martin stated they discussed getting to a more normal schedule so that the annual financial report is produced before we do the budget. He also stated that it is his opinion that this is an improved audit result over the prior year but it is still not where we want to be; we need to see the progress continue going forward.

2018-2019 UNITED WAY CAMPAIGN AWARD FOR CITY OF CLEWISTON EMPLOYEES – Lisa Sands, Hendry and Glades Manager, LaBelle United Way House Coordinator, United Way of Lee, Hendry, Glades & Okeechobee

Mrs. Lisa Sands stated the United Way raises funds for social service agencies in our community. She thanked the City of Clewiston employees for raising \$2,912 through payroll deduction and presented a plaque to them for the donations. She stated they are working on a plan to have another United Way house in Clewiston so that all the social service entities can be together and their partners can have a place to come and provide services. She stated they will provide the location to the City. She also stated the United Way served as the fiscal agent for the Hendry Glades Unmet Needs Coalition which has been providing long term recovery services for survivors of Hurricane Irma. She stated that she plans to come back with a report on a grant received by the Hendry Glades Unmet Needs Coalition showing the projects, rebuilds and roof repairs that have been done. She then distributed information on the agencies that United Way will be working with this year.

PUBLIC HEARINGS

2. **Final Public Hearing of the FY 2019-2020 Budget – 5:30 p.m.** (A copy of the FY 2019-2020 Budget was a part of the September 9, 2019 Commission Meeting Agenda and can be viewed on the City's website.)
 - A. **Resolution No. 2019-57** – Resolution No. 2019-57 adopts a millage rate for the levy of ad valorem taxes for Fiscal Year 2019-2020. The proposed millage rate is 6.5314 mills.

Mayor Gardner stated the purpose of this public hearing was to accept input from all interested parties relative to the discussion, consideration, and final approval of the City's 2019-2020 proposed millage rate and operating budget. She also stated those in attendance will be given an opportunity to speak in regard to the matter of the new budget. Finance Director Shari Howell stated the City Commission proposes a millage rate of 6.5314 mills, which reflects a percentage change of 3.53% over the rolled-back rate of 6.3086 and a final capital and operating budget of \$28,999,351 for fiscal year 2019-2020. She also stated that this meeting constitutes the second of two hearing processes and was announced to the general public through notices as required by law.

Mayor Gardner opened the Fiscal Year 2019-2020 Final Budget Hearing. Mr. Jerry Cochrane came forward and expressed his concern with the golf course portion of the proposed budget. He stated he feels that more of the cost to operate the course should be shifted to the people who are using it and asked the Commission to keep this in mind when next year's budget is being prepared.

Manager Martin noted that the Golf Course Advisory Board discussed increasing rates.

As there were no further comments, Director Howell stated the Clewiston City Commission, as Taxing Authority, proposes a final tax on all property located within the City of Clewiston, Florida, at the rate of 6.5314 mills for the Fiscal Year 2019-2020 and the rate of 6.5314 mills represents 3.53% increase over the 6.3086 rolled-back rate as defined by the Florida Statutes.

Director Howell read Resolution No. 2019-57 by title.

RESOLUTION NO. 2019-57

A RESOLUTION OF THE CITY OF CLEWISTON, FLORIDA, ADOPTING A MILLAGE RATE FOR THE LEVY OF AD VALOREM TAXES FOR FISCAL YEAR 2019-2020.

Mayor Gardner called for a motion for the adoption of Resolution No. 2019-57.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2019-57. Vote 4 yeas, 0 nays (Commissioner McGahee was absent.)

B. Resolution No. 2019-58 – Resolution No. 2019-58 adopts the budget for Fiscal Year 2019-2020.

Director Howell read Resolution No. 2019-58 by title.

RESOLUTION NO. 2019-58

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, ADOPTING THE BUDGET FOR FISCAL YEAR 2019-2020.

Mayor Gardner called for a motion for the adoption of Resolution No. 2019-58.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2019-58. Vote 4 yeas, 0 nays (Commissioner McGahee was absent.)

Mayor Gardner closed the Final Public Hearing of the FY 2019-2020 Budget.

- 3. Ordinance No. 2019-03 – PUBLIC HEARING - Final Reading – 5:30 p.m.** - Ordinance No. 2019-03 approves the City of Clewiston Honesty, Integrity and Government in the Sunshine Guide dated July 25, 2019.

Mayor Gardner opened the public hearing and summarized and read Ordinance No. 2019-03 by title. As there were no public comments, Mayor Gardner closed the public hearing.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Ordinance No. 2019-03 on final reading and authorize the Mayor to sign. Vote 4 yeas, 0 nays (Commissioner McGahee was absent.)

- 4. Ordinance No. 2019-04 – PUBLIC HEARING - Final Reading – 5:30 p.m.** - Ordinance No. 2019-04 modifies Article VI, Section 110-525 of the Clewiston Code of Ordinances relating to home occupations.

Mayor Gardner opened the public hearing and summarized and read Ordinance No. 2019-04 by title. As there were no public comments, Mayor Gardner closed the public hearing.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Ordinance No. 2019-04 on final reading and authorize the Mayor to sign. Vote 4 yeas, 0 nays (Commissioner McGahee was absent.)

- 5. Ordinance No. 2019-05 – PUBLIC HEARING - Final Reading – 5:30 p.m.** - Ordinance No. 2019-05 approves the proposed change to Section 58-10 of the Clewiston Code of Ordinances regarding outdoor roadside sales of merchandise.

Mayor Gardner opened the public hearing and summarized and read Ordinance No. 2019-05 by title.

Commissioner Rodriguez asked if this ordinance only affected automobile sales. Attorney Brandenburg explained that any entity with a current valid dealership is eligible for the benefit of this ordinance which will allow them to have a sale of automobiles, recreational

vehicles or boats within the zoning districts that allow those sales no more than three times per year.

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

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Ordinance No. 2019-05 on final reading and authorize the Mayor to sign. Vote 4 yeas, 0 nays (Commissioner McGahee was absent.)

- 6. Ordinance No. 2019-06 – PUBLIC HEARING - Final Reading – 5:30 p.m.** - Ordinance No. 2019-06 amends Article VII Section 22-152 of the Clewiston Code of Ordinances, providing for the exclusion of hemp-based low-THC CBD oil from the definition of “Cannabis”.

Mayor Gardner opened the public hearing and summarized and read Ordinance No. 2019-06 by title. As there were no public comments, Mayor Gardner closed the public hearing.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve Ordinance No. 2019-06 on final reading and authorize the Mayor to sign. Vote 4 yeas, 0 nays (Commissioner McGahee was absent.)

- 7. Ordinance No. 2019-07 – PUBLIC HEARING - Final Reading – 5:30 p.m.** - Ordinance No. 2019-07 amends Chapter 38 of the Code of Ordinances of the City of Clewiston relating to fireworks use within the City limits.

Mayor Gardner opened the public hearing and summarized and read Ordinance No. 2019-07 by title. As there were no public comments, Mayor Gardner closed the public hearing.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Ordinance No. 2019-07 on final reading and authorize the Mayor to sign. Vote 4 yeas, 0 nays (Commissioner McGahee was absent.)

- 8. Ordinance No. 2019-08 – PUBLIC HEARING - Final Reading – 5:30 p.m.** - Ordinance No. 2019-08 rezones Lot 17, Block 410 of the General Plan of Clewiston from Mobile Home and Recreational Vehicle Park District (RM-1) to the Industrial District (I).

Mayor Gardner opened the public hearing and summarized and read Ordinance No. 2019-08 by title. As there were no public comments, Mayor Gardner closed the public hearing.

Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez, to approve Ordinance No. 2019-08 on final reading and authorize the Mayor to sign. Vote 4 yeas, 0 nays (Commissioner McGahee was absent.)

RESOLUTIONS

- 9. Resolution No. 2019-59 –** Resolution No. 2019-59 approves Modification #Z0012-2 to Subgrant Agreement Between the Division of Emergency Management and the City of Clewiston modifying Contract Number Z0012.

Manager Martin summarized Resolution No. 2019-59 and explained that this modification is needed so that we don't have to do future modifications. Mayor Gardner read Resolution No. 2019-59 by title.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve Resolution No. 2019-59. Vote 4 yeas, 0 nays (Commissioner McGahee was absent.)

- 10. Resolution No. 2019-60 –** Resolution No. 2019-60 approves a lease agreement between the City of Clewiston and Hope Hospice and Community Services, Inc. for a portion of the Senior Citizens Building.

Manager Martin summarized Resolution No. 2019-60. Mayor Gardner noted that the amount of the lease was previously increased and read Resolution No. 2019-60 by title.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve Resolution No. 2019-60. Vote 4 yeas, 0 nays (Commissioner McGahee was absent.)

11. **Resolution No. 2019-61** – Resolution No. 2019-61 approves and authorizes the Mayor to sign USSI, LLC Change Order No. 1 for the Inflow Removal Inflow/Infiltration Project Phase I. Change Order No. 1 reduces the contract amount by \$24,782.77.

Manager Martin summarized Resolution No. 2019-61.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve Resolution No. 2019-61. Vote 4 yeas, 0 nays (Commissioner McGahee was absent.)

Before the vote, Commissioner Rodriguez opened a discussion regarding Phase 2 of the project. Utilities Director Danny Williams stated that Phase 2 will be crucial as it will be where they camera the system and do the liner and repairs, if needed. He explained that Phase 1 focused on manholes and helped us with our flows. Manager Martin stated that we will need to discuss if we want to go further with Phase 3.

12. **Resolution No. 2019-62** – Resolution No. 2019-62 approves the final payment in the amount of \$41,347.22 to USSI, LLC for the Inflow Removal Inflow/Infiltration Project Phase I.

Manager Martin summarized Resolution No. 2019-62 and Mayor Gardner read Resolution No. 2019-62 by title.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2019-62 pending final release of lien. Vote 4 yeas, 0 nays (Commissioner McGahee was absent.)

13. **Acceptance of Proposals and Approval of Contracts for 2019 Professional Aerial and Ground Mosquito Control Services** – An Invitation to Bid was advertised in the Lake Okeechobee News on August 14, 2019 for Professional Aerial and Ground Mosquito Control Services. Bids were received and opened on September 5, 2019. Public Works Director Sean Scheffler recommends awarding the contracts to Clarke Environmental Mosquito Management, Inc. in a total amount not to exceed \$188,017.44.

- A. **Resolution No. 2019-63** – Resolution No. 2019-63 accepts the proposal for aerial mosquito control services from Clarke Environmental Mosquito Management, Inc. and approves the 2019 Aerial Mosquito Control Contract between the City of Clewiston and Clarke Environmental Mosquito Management, Inc. for a maximum of 12 applications in the total amount of \$79,380.

Manager Martin summarized Resolutions No. 2019-63 and 2019-64. Mayor Gardner read Resolution No. 2019-63 by title.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2019-63. Vote 4 yeas, 0 nays (Commissioner McGahee was absent.)

- B. **Resolution No. 2019-64** – Resolution No. 2019-64 accepts the proposal for ground mosquito ground services from Clarke Environmental Mosquito Management, Inc. and approves the 2019 Ground Mosquito Control Contract between the City of Clewiston and Clarke Environmental Mosquito Management, Inc. in the total amount not to exceed \$108,637.44.

Mayor Gardner read Resolution No. 2019-64 by title.

Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2019-64. Vote 4 yeas, 0 nays (Commissioner McGahee was absent.)

14. **Resolution No. 2019-65** – Resolution No. 2019-65 approves the State Aid to Libraries Grant Agreement and Certification of Hours, Free Library Service and Access to Materials Between the State of Florida, Department of State and City of Clewiston.

Manager Martin summarized Resolution No. 2019-65.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve Resolution No. 2019-65. Vote 4 yeas, 0 nays (Commissioner McGahee was absent.)

Before the vote, Mayor Gardner read Resolution No. 2019-65 by title.

15. **Resolution No. 2019-66** – Resolution No. 2019-66 approves the FMPA Agreement for Engineering Support Services for Phase I Conceptual and Scoping Engineering Support Services for the Clewiston Substation.

Manager Martin summarized Resolution No. 2019-66 and Mayor Gardner read Resolution No. 2019-66 by title.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2019-66. Vote 4 yeas, 0 nays (Commissioner McGahee was absent.)

16. **Resolution No. 2019-67** – Resolution No. 2019-67 authorizes the selection of First Bank's proposal as the preferred method of financing the purchase of certain municipal equipment.

Mayor Gardner turned the gavel over to Vice Mayor Atkinson and stated that she will abstain from comments and voting on this matter. Manager Martin summarized Resolution No. 2019-67 and stated that all quotes were evaluated. Vice Mayor Atkinson then read Resolution No. 2019-67 by title.

Commissioner Rodriguez made a motion, seconded by Commissioner Petersen, to approve Resolution No. 2019-67.

Commissioner Rodriguez stated the City has been struggling with the golf course and explained that none of the recreation programs bring in any revenue. He expressed that he feels if we are going to keep the golf course open, we have to operate and have golf carts for the course. He stated the Commission will continue to address this matter in order to minimize the subsidy. Attorney Brandenburg noted that the Commission has already approved the purchase; this is only for the financing which includes unrelated equipment to the golf course. He stated that we will need the services of a bond counsel and asked the Commission for permission to look for bond counsel. He stated the estimated cost for bond counsel is approximately \$10,000.

Commissioner Rodriguez amended the motion, seconded by Commissioner Petersen, to approve Resolution No. 2019-67 and also give permission to City Attorney Brandenburg to look for bond counsel. Vote 3 yeas, 0 nays. (Mayor Gardner abstained from voting and Commissioner McGahee was absent.)

Vice Mayor Atkinson passed the gavel back to Mayor Gardner.

17. **Resolution No. 2019-68** – Resolution No. 2019-68 approves an agreement between the City of Clewiston and JW Turf Consulting, LLC for turf management services for FY 2020. City Manager Randy Martin recommends approval.

Manager Martin summarized Resolution No. 2019-68. Attorney Brandenburg confirmed that he reviewed the agreement. Mayor Gardner then read Resolution No. 2019-68 by title.

Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2019-68. Vote 4 yeas, 0 nays (Commissioner McGahee was absent.)

18. **Resolution No. 2019-69** – Resolution No. 2019-69 adopts amendments to the budget for FY 2018-2019.

Manager Martin summarized Resolution No. 2019-69.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve Resolution No. 2019-69. Vote 4 yeas, 0 nays (Commissioner McGahee was absent.)

Before the vote, Mayor Gardner read Resolution No. 2019-69 by title.

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

19. **Consideration of options regarding a portion of the right-of-way adjoining the property of Stephen and Norma Schneider** – After receiving an appraisal of the portion of the right-of-way that adjoins the property of Stephen and Norma Schneider located at 800 West Royal Palm Avenue, City Attorney Gary Brandenburg has prepared Ordinance No. 2019-09 and a Non-Exclusive License and Use Agreement as options for consideration by the City Commission.

Manager Martin reviewed the agenda item with the Commission. Attorney Brandenburg reviewed the options with the Commission. He explained that Ordinance No. 2019-09 would require a first and second reading and the property owner would have to agree with the deed restriction. He stated the Non-Exclusive License and Use Agreement does not require a public hearing and could be approved tonight or at the next meeting by resolution. He also stated the license and use agreement requires the owner to obtain liability insurance and contains the same restriction regarding the planting of landscaping.

Manager Martin stated he forwarded both documents to Mr. Schneider and met with him to review them. He noted that Mr. Schneider had no concern with the ordinance but did express concern with the license and use agreement.

Mayor Gardner asked for public comments regarding this matter. Mr. Steve Schneider came forward and pointed out that by abandoning, the City would no longer have any liability, no maintenance would have to be done, and would receive tax benefits. He stated he is willing to provide compensation to the City for the property's value. He assured the Commission that the property would stay as it is as long as he and his family are here. Commissioner Rodriguez stated that he is confused as he and Mr. Schneider have talked several times and the last time they talked, Mr. Schneider was not in support of a partial abandonment. Attorney Brandenburg confirmed that everything other than the 10 foot strip of land would be abandoned. Mr. Schneider explained that the partial abandonment that he was not in favor of was if the property was split in half and only one half was abandoned. Manager Martin explained that staff felt the additional 10 feet to the existing right-of-way was sufficient to handle any utility work or whatever might need to be done within the right-of-way and Mr. Schneider agreed. Mr. Schneider stated he understands the right-of-way is needed. Commissioner Petersen expressed that she feels the property should be abandoned so that it will be on the tax roll and will continue to be maintained the way it has been. She also expressed that she feels Mr. and Mrs. Schneider should not have to get a landscaping plan approved by the City Commission. Mr. Schneider stated he feels he and the City could work together on the landscaping.

Mayor Gardner stated that she met with Mr. and Mrs. Schneider twice and shared with them that when other properties were looked at to be put on the tax roll, the public said they didn't want to see the property moved from being a park or green space. She stated that she feels the City should have handled this process differently. She explained that she feels the City should have looked at all the public lands in the City and asked for comments from the community. She stated that after hearing from the public, she cannot support the selling of this land to Mr. and Mrs. Schneider. She added that she feels and also shared with Mr. and

Mrs. Schneider that because the City did not do the process the way she feels it should have been done, Mr. and Mrs. Schneider should be reimbursed for their costs. Vice Mayor Atkinson stated that three people who live in the neighborhood with kids told him they don't want a park in front of their home. He stated that he does not see a problem with either keeping the property or abandoning it but supports abandoning the property tonight because Mr. Schneider has maintained the property for 15 years. Mayor Gardner stated the adjacent property owner also decided to maintain the right of way adjacent to their front yard because they didn't like the look of the property because the maintenance schedule of the right-of-way and their property was different. She also stated that it was confirmed to her by a previous owner of the adjacent property, that a City staff member told them along with Mr. and Mrs. Schneider that they would have first right of refusal to purchase the property and noted that never came before the Commission. Mr. Schneider stated his recollection is that he was asked to maintain the property. He stated the Planning & Zoning Board, the past two City Managers and, at one time, the City Commission was in favor of the abandonment. He also stated that he also has not heard any comments from any of the department heads and no response was received to a letter sent by the Community Development Department to residents in the neighborhood. Mr. Lewell Hughes came forward and expressed his support for the City to abandon the property as requested by Mr. and Mrs. Schneider. He stated that, as a member of the Planning & Zoning Board, he has seen several of these requests come before the Planning & Zoning Board and subsequently to the City Commission and he is not aware of any appraisals made or any money changing hands. He further stated that he feels to discriminate against this homeowner for a similar situation is unfair and urged the Commission to consider and approve this abandonment. He added that as a homeowner adjacent to a park, it is hard for him to sit in front of his house because you hear foul language and see people urinating in public. Mayor Gardner stated that there are other abandonments but, as she mentioned to Mr. Schneider, they have been for economic development reasons in her opinion. She stated that even though she would like to see the property back on the tax roll, with the comments that she has received, she will not be able to support Ordinance No. 2019-09. Commissioner Petersen stated that Mr. and Mrs. Schneider are willing to look at the deed restriction and noted that the calls she received were in favor of the abandonment. She agreed with Mayor Gardner that the process should have been handled differently. Commissioner Rodriguez asked if there was any way the parcel could always be a green space. Attorney Brandenburg stated that some people dedicate property to a conservatory for a specific purpose but he doubts there is a group that would take a small parcel like this. Mrs. Christine Howell came forward and stated that she admires the look of the green space and Mr. and Mrs. Schneider's home and does not see the advantage of them owning the right-of-way. As there were no further comments, because the ordinance was the only option, Mayor Gardner read Ordinance No. 2019-09 by title.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to move forward with the first reading of Ordinance No. 2019-09 at the next meeting on October 21, 2019. Vote 3 yeas, 1 nay (Mayor Gardner voted nay and Commissioner McGahee was absent.)

Before the vote, Commissioner Rodriguez stated that he will support Mr. Schneider. Attorney Brandenburg noted this ordinance is not up for adoption and needs to be brought up for first reading at the next meeting.

Vice Mayor Atkinson stated he feels an ordinance setting certain fees should be adopted. Mayor Gardner stated that she would like staff to come back to the Commission with recommendations for those fees. Manager Martin stated that he and Director Reese have discussed this matter but felt it was not appropriate to bring it forward at this time on the pending application, but going forward, their intent is to bring a recommendation with the City Attorney's input to the Commission in order to be fair and consistent.

- 20. Request to Schedule Attorney/Client Meeting** – City Attorney Gary Brandenburg requests the City Commission schedule an Attorney/Client Meeting regarding the matter of City of Clewiston v. Johnson-Prewitt & Associates, Inc.

Attorney Brandenburg stated that Judge Sloan entered an order in this case that requires the lawyers to lay out a schedule of things they need to do and meet with their clients to make sure they have the right direction before the case goes to trial. He stated that Florida law allows him to meet with the City regarding pending litigation in a shade meeting which is not

open to the public and is confidential. He noted that the statute requires him to ask for the shade meeting in public. He stated the meeting would occur during the next commission meeting; they would adjourn at that time for the shade meeting where the only parties present would be the Mayor, Commissioners, City Manager, himself and a court reporter. He also stated the transcript would be filed in a closed envelope with the City Clerk and will remain confidential in that envelope until the case is closed or disposed of by the Court. He added that the conversations in the shade meeting are confidential and asked the Commission to set a shade meeting during the next commission meeting.

Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez, to schedule the attorney/client meeting as requested by City Attorney Gary Brandenburg during the October 21, 2019 Commission Meeting. Vote 4 yeas, 0 nays (Commissioner McGahee was absent.)

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

COMMENTS FROM CITY MANAGER – Manager Martin announced that the Hendry County Legislative Delegation Hearing will be held here in the Commission Chambers this Thursday. He recommended the Commission authorize him to make a request jointly with Hendry County for the remainder of the funding for the wastewater force main line and related improvements to our wastewater treatment plan to provide service to the Airglades International Airport and all properties in between. He noted that this is also recommended by the City’s lobbyist, Screven Watson. The general consensus of the Commission was to authorize Manager Martin to make the request jointly with Hendry County.

COMMENTS FROM THE CITY ATTORNEY - none

COMMENTS FROM THE CITY COMMISSION – Vice Mayor Atkinson announced that Chairman Chauncey Goss of the South Florida Water Management District Board agreed to look for and help us get funding to do the water quality on Ventura Avenue when we do the paving. He then asked for an update on a previous complaint about speeding on Berner Road. Manager Martin stated that speed limit signs have been installed and the police department has been monitoring the speed. He also stated that Police Chief Angell is researching options for better equipment for speed zone calculations. Vice Mayor Atkinson asked staff to also address the other locations on the north side of town where he received calls about the same issue. Mayor Gardner asked Vice Mayor Atkinson to provide the information he received on the other locations to the City Manager.

Commissioner Petersen announced that the National Night Out Against Crime has been rescheduled for October 1, 2019 at Trinidad Park.

ADJOURNMENT

The meeting adjourned at 7:34 p.m.

Mali Gardner, Mayor

Mary K. Combass, Interim City Clerk