

**CITY OF CLEWISTON**  
**Regular Commission Meeting**  
**October 21, 2019**

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The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, October 21, 2019. The meeting was called to order at 5:01 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 Melanie McGahee, Commissioner Kristine Petersen and Commissioner Julio Rodriguez.

**Personnel Present:** City Manager Randy Martin, Interim City Clerk Kathy Combass, Finance Director Shari Howell, Utilities Director Danny Williams, Compliance Manager Lynne Mila, Public Works Director Sean Scheffler, Police Chief Aaron Angell, Code Enforcement Officer Debbie McNeil, Community Development Director Travis Reese and City Attorney Gary Brandenburg.

**Visitors Present:** Lavita Holmes, Keith Thomas, Steve and Norma Schneider, Connie Davis, Asa and Betty Godsey, Laura Smith, Ramon Iglesias, Matt Beatty, Christine Howell, Jerry Cochrane, Donnie Hughes, Antonio Perez, Terry Gardner, Eddie Warren, Ashleigh Simmons, Sanira Carter, Marion Willis, Jennifer Carter, Mary Holligan, Lenora Holland, Gwendolyn Johnson, Betty Germany, Jackquelyn Webber, Emanuel Terry, Sharika Holligan, Katina Willingham, Lakeisha Moore, James Wheeler, Devon Edwards, Avis Holland, Doug Jones and Jatuan Carter.

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

**PUBLIC COMMENTS** – Mrs. Laura Smith came forward and thanked the Clewiston Police Department and the Clewiston Volunteer Fire Department for their quick response in saving one of her rental units. Mr. Eddie Warren, Ms. Lavita Holmes, Mr. Keith Thomas, Ms. Jennifer Carter, Ms. Davon Edwards, Ms. Avis Holland, Ms. Lenora Holland, Mr. Doug Jones, Ms. Jackquelyn Webber, Mr. Emanuel Terry, Ms. Mary Holligan, Mr. James Wheeler, Ms. Lakeisha Moore, Ms. Gwendolyn Johnson, Ms. Sharika Holligan and Ms. Catina Willingham all addressed the Commission with their concerns regarding recent high utility bills and customer service. Mayor Gardner noted that their concerns have been heard. She stated that the City's rates have not increased since 2001 and are lower than most municipals. She also stated that the City is beginning to look at automated meter reading and is going to invest to begin the process of a study to see if it is feasible. Utilities Director Danny Williams stated that as he followed up on complaints, he observed air conditioners running continuously at some of the locations. He then reviewed the studies that show where Clewiston is on their rates. Mayor Gardner and Director Williams agreed there were meter reader issues but those issues have been solved. Mayor Gardner asked that customers look at their meters each month to verify the reading. She also asked Director Williams and City Manager Martin to post information on the City's website and Facebook page on how to read your meter and encourage customers to read their meters. Public Works Director Sean Scheffler suggested planting trees to shade your home from the direct sun in order to help lower utility bills. Mayor Gardner asked that everyone with a concern about their utility bill write their name and address down so that staff can follow up on their concerns. Manager Martin stated that he has been through this process a number of times and almost always the reason for utility bill increases has been the result of major fluctuations in temperatures. He also stated that because it is the City's intention to give good customer service, he would be willing to compare the total billings this month with temperature readings from the weather service to see how the bills track with them. He noted that staff has kept him informed of the number of times they have been out checking meters. He added that he feels the advance meter technology will help us in terms of our ability to give feedback to our customers. Mayor Gardner asked Manager Martin to follow up with the Commission once the concerns have been addressed.

**1. Consent Agenda**

- A. *City Commission Workshop Minutes – July 22, 2019*
- B. *City Commission Meeting Minutes – July 22, 2019*

- C. City Commission Budget Workshop Minutes – July 22, 2019*
- D. Proclamation – National Farm City Week – November 20-27, 2019*
- E. Event Application – Homecoming Parade*
- F. Resolution No. 2019-70 – Partial Settlement Agreement and Mutual Release*
- G. Resolution No. 2019-71 - Release of Lien*

Mayor Gardner read the National Farm City Week Proclamation.

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

## **ORDINANCE**

2. **Ordinance No. 2019-09 – First Reading** - Ordinance No. 2019-09 abandons a portion of the right-of-way that adjoins the property of Stephen and Norma Schneider located at 800 West Royal Palm Avenue with deed restrictions.

Mayor Gardner summarized and read Ordinance No. 2019-09 by title. Manager Martin stated that a new survey that will show the location of the easement has been ordered. Commissioner McGahee expressed that she is not in support of this ordinance. She stated that she has also heard from many constituents that also feel that way and expressed to her that they elected the Commission to make the decisions and do not want to have neighbor against neighbor. Mayor Gardner stated that she met with Mr. and Mrs. Schneider and also had people who expressed that they felt the property was a public asset and should not be taken into private ownership. She noted that her position has not changed from the last meeting. Ms. Laura Smith came forward and expressed that she feels no decisions should be made until an outlined plan for the usage of the property is provided. She stated there are other properties in the City that are buildable and could be put on the tax roll. She also stated that there could be two very different looking parcels at the end of Royal Palm Avenue once both have been abandoned. Ms. Christine Howell came forward and stated that she agrees with Ms. Smith and does not see the advantage of Mr. and Mrs. Schneider owning the property. Commissioner McGahee raised questions about the ownership of the adjacent right-of-way parcel if it too was abandoned in the future. Attorney Brandenburg explained that because we are not abandoning the entire right-of-way, he does not feel that Mr. and Mrs. Schneider would receive any additional property. He stated that there is language written in the ordinance that if the abandonment is ever challenged, it will be void. Vice Mayor Atkinson noted that he feels the difference in landscaping on each of the two parcels should not be an issue as neighbors do different landscaping. Attorney Brandenburg stated the survey showing the location of the road and utilities will be available at the next meeting. Commissioner McGahee then asked Mr. Schneider if he understood that a sidewalk similar to the sidewalk on the adjacent right-of-way parcel may be placed on this parcel. Mr. Schneider stated that he understood and agreed to the placement of the sidewalk.

**Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson to approve Ordinance No. 2019-09 on first reading and set the public hearing for November 18, 2019. Vote 3 yeas, 2 nays (Mayor Gardner and Commissioner McGahee voted nay.)**

## **RESOLUTIONS**

3. **Resolution No. 2019-72** – Resolution No. 2019-72 approves the City of Clewiston Net Metering Service Rate Schedule, Application and Standard Interconnection Agreement for interconnection of the net meters.

Mayor Gardner read Resolution No. 2019-72 by title. City Manager Randy Martin stated that the Board reviewed this matter in detail at the October 14, 2019 City Commission Workshop and agreed that it would be considered tonight. Mayor Gardner asked if there were guidelines regarding solar panels. Manager Martin responded that we can report back to the board on the assessment of our current codes and regulations and whether or not any regulations need to be adjusted. After discussion, Mayor Gardner asked if the assessment should be done before this resolution is adopted. Manager Martin answered that the

assessment does not need to be done before this resolution is adopted as this resolution simply allows the customer to receive the credit.

**Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2019-72. Vote 5 years, 0 nays**

4. **Resolution No. 2019-73** – Resolution No. 2019-73 approves the final payment in the amount of \$1,448.65 to Community Asphalt Corp. for the 2019 Hot Spot Paving Project pending final release of lien.

Mayor Gardner read Resolution No. 2019-73 by title.

**Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2019-73 pending final release of lien. Vote 5 years, 0 nays**

5. **Resolution No. 2019-74** – Resolution No. 2019-74 approves the final payment in the amount of \$22,198.00 to Community Asphalt Corp. for the 2019 Overlay Paving Project pending final release of lien.

Mayor Gardner read Resolution No. 2019-74 by title.

**Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2019-74 pending final release of lien. Vote 5 years, 0 nays**

Vice Mayor Atkinson raised questions regarding the reconfiguration and lighting at the stop sign at the intersection of Royal Palm and Esperanza. Public Works Director Sean Scheffler stated the reconfiguration was recommended by a DOT engineer in order to make the intersection as safe as possible. He also stated that he feels there is adequate lighting at that intersection from the street light. He noted there are also reflective pavement markers on the ground and a flashing light to call attention to the configuration change.

6. **Resolution No. 2019-75** – Resolution No. 2019-75 approves the agreement between FMPA and the City of Clewiston regarding the City's Advance Metering Infrastructure (AMI) Deployment – Phase 1.

**Exhibit:** Agenda Item No. 6

**Recommendation:** Recommended motion is to approve Resolution No. 2019-75.

Mayor Gardner summarized and read Resolution No. 2019-75 by title. Manager Martin stated this matter was discussed at the October 14, 2019 Commission Workshop and explained that the scope of work was modified to include the assessment of the benefit analysis, which will be reported to the Board before Phase 1 is complete.

**Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2019-75. Vote 5 years 0 nays**

7. **Resolution No. 2019-76** – Resolution No. 2019-76 authorizes the issuance of the City's promissory note, series 2019 in the principal amount not to exceed \$300,000; pledges certain revenues to repay such note; provides for the creation of certain funds; and awards the note to First Bank by negotiated sale in order to finance the purchase of certain municipal equipment and associated finance costs.

Mayor Gardner passed the gavel to Vice Mayor Atkinson and abstained from the discussion regarding Resolution No. 2019-76.

Vice Mayor Atkinson summarized Resolution No. 2019-76. Attorney Brandenburg stated that the note attached to this resolution will be executed by the City in favor of First Bank in the amount of \$300,000. He explained that any loan by the City over 12 months is a bond and has to meet the requirements of a bond issue. He stated the City cannot pledge its assets so revenues not related to taxes are pledged to pay off the note.

**Commissioner Rodriguez made a motion, seconded by Commissioner McGahee, to approve Resolution No. 2019-76. Vote 4 yeas, 0 nays (Mayor Gardner abstained from voting.)**

**MISCELLANEOUS ACTION AND DISCUSSION ITEMS**

8. **Departmental Monthly Activity Reports** - Presented for information only.
9. **Attorney/Client Meeting (Shade Meeting)** – This meeting was requested by City Attorney Gary Brandenburg at the September 23, 2019 Commission Meeting regarding the matter of City of Clewiston v. Johnson-Prewitt & Associates, Inc.

Attorney Brandenburg explained that the law allows Commissioners to meet in private to discuss pending litigation; the City Attorney has to make the request for the meeting, which he made at the previous meeting, and indicate who is going to be in attendance at that meeting. He stated that all of the Commissioners, himself, the City Manager and the court reporter will be in attendance. He also stated that all discussions during the private meeting will be transcribed and will remain confidential until the litigation is dissolved, at which time the transcript will become public. He added that the transcript will be sealed and given to the clerk and placed in the safe until the litigation is over.

Mayor Gardner then recessed the meeting for the Attorney/Client Meeting at 6:37 p.m.

Mayor Gardner returned the meeting to order at 7:09 p.m.

**COMMENTS FROM CITY MANAGER** – Manager Martin stated that he is expecting to report on driveway aprons, a shutter ordinance, code enforcement and signage at the November workshop. He also stated he is planning for an emergency preparedness ordinance update review at a subsequent workshop.

**COMMENTS FROM THE CITY ATTORNEY** – Attorney Brandenburg suggested that the City Commission consider adopting an ordinance that would not allow anyone to take advantage of a rezone, special exception or site plan request to the City. He explained that the ordinance would require the owner to do what was promised within a certain amount of time or the approval of the request could be revoked. He stated that the ordinance would have a “use it or lose it” provision. After discussion, the general consensus of the Commission was for Attorney Brandenburg and Manager Martin to work on this matter.

**COMMENTS FROM THE CITY COMMISSION** – Commissioner McGahee applauded Economy Cars of Clewiston on their new landscaping. Commissioner Petersen asked if the digital sign on the Captivating Dental building was compliant. Code Enforcement Officer Debbie McNeil stated that sign is legally permitted. Commissioner Rodriguez congratulated Director Scheffler on his job with the Annual Fall Festival. He then stated that he saw someone at the old Ford place putting out figurines. Code Enforcement Officer McNeil stated that she also saw them and asked them to leave. Manager Martin stated that a stop work order was issued to stop the work by unlicensed contractors on the 2-story building. Vice Mayor Atkinson stated that there are a lot of unlicensed contractors working in the City. Code Enforcement Officer McNeil stated that she has been communicating that information to the state. Commissioner Rodriguez stated that he feels it is important that we address those utility bill concerns by visiting the properties and satisfying those customers. Mayor Gardner stated that she feels we need to provide more information on our website on energy efficiency and how to read meters. Mayor Gardner asked Manager Martin to work with Director Williams on this matter and be concise in addressing the issues. She also stated that she feels we need to look into having someone come to do energy audits. Vice Mayor Atkinson expressed that he agrees with Commissioner Rodriguez that the Annual Fall Festival was done very well and was one of the best the City has done.

**ADJOURNMENT**

The meeting adjourned at 7:30 p.m.

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Mali Gardner, Mayor

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Mary K. Combass, Interim City Clerk