

CITY OF CLEWISTON
Regular Commission Meeting
February 17, 2020

The Clewiston City Commission held its regular meeting in the City Hall Commission Chambers Monday, February 17, 2020. The meeting was called to order at 5:00 p.m. by Mayor Gardner. Pastor Jeff Smith of the First United Methodist Church gave the invocation, Nicole Reid of the Glades Media Radio Station sang “God Bless America” and the audience joined in reciting the Pledge of Allegiance.

Commissioners Present: Mayor Mali Gardner, Commissioner Melanie McGahee, Commissioner Kristine Petersen and Commissioner Julio Rodriguez. Vice Mayor Michael Atkinson joined the meeting via telephone at 5:03 p.m. and in person at 5:08 p.m.

Personnel Present: City Manager Randy Martin, Interim City Clerk Kathy Combass, Finance Director Shari Howell, Police Sergeant Demetrius Scruggs, Utilities Director Danny Williams, Community Development Director Travis Reese, Library Director Natasha Hayes, Code Enforcement Officer Debbie McNeil, Compliance Manager Lynne Mila, City Consulting Engineer Andy Tilton and City Attorney Gary Brandenburg.

Visitors Present: Asa and Betty Godsey, Terry Gardner, Pepe Lopez, Toni Couse, Frank Harris, Nicole Reid, Matt Beatty, Jerry Cochrane, Brannan Thomas, Billy Joe Haithcock, Mary Thomas, Jeff Smith, Laura Smith, John Wellslager, Mark Deitz, Harry Patel, Antonio Perez and Ellie Schlager.

Additions/Deletions/Changes and Approval of the Agenda - none

Public Comments – none

Vice Mayor Atkinson joined the meeting via telephone at 5:03 p.m.

1. Consent Agenda

- A. *City Commission Workshop Minutes – November 13, 2019*
- B. *City Commission Meeting Minutes – November 18, 2019*
- C. *Resolution No. 2020-10 – Budget Amendments for FY 2019-2020*
- D. *Resolution No. 2020-11 – Memorandum of Law and Partial Settlement Agreement and Mutual Release*
- E. *Event Application – Hope for Huntington’s Disease 5K – May 16, 2020*
- F. *Event Application – Sugar Festival – March 20-21, 2020*
- G. *Proclamation – Sugarcane Farmers Appreciation Week – March 16-22, 2020*

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

Presentation of Proclamation – Sugarcane Farmers Appreciation Week

Mayor Gardner read the Sugar Farmers Appreciation Week Proclamation and presented it to Randy Martin and Brannan Thomas on behalf of the Sugar Festival Committee.

PUBLIC HEARING

- 2. Public Hearing (5:00 p.m.) – Request from B.A. Hospitality, LLC for approval of the sale of beer and wine only to guests of the Hampton Inn at 305 W. Sugarland Highway for consumption on the premises under Sec 6-2, City of Clewiston Code of Ordinances.**

Exhibit: Agenda Item No. 2

Recommendation: Recommended motion is to approve the sale of beer and wine only to guests of the Hampton Inn at 305 W. Sugarland Highway for consumption on the premises under Sec 6-2, City of Clewiston Code of Ordinances.

Mayor Gardner opened the public hearing and summarized the request from B.A. Hospitality, LLC.

Vice Mayor Atkinson joined the meeting in person at 5:08 p.m.

Attorney Brandenburg swore in Mr. Jerry Cochrane and Pastor Jeff Smith who both wished to speak on this matter.

Mr. Jerry Cochrane asked if the churches that may be impacted were notified of the request and how the hotel lounge was not realized when the plans were reviewed. Community Development Director Travis Reese stated the entire community was notified with the required public notification in the Lake Okeechobee News as this request is not one that requires direct notification. He then clarified that there is no requested lounge. Manager Martin stated that it is his understanding that beer and wine will be sold out of a refrigerated cooler along with other items in a nook in the lobby area. Mr. Cochrane expressed that he feels the City has enough lounges. He stated that this is a good project in a bad location and noted that the City has already granted several exemptions and paid for new relocated water lines for this project. He stated he feels the City has been played and the “wheels have been greased”. Mayor Gardner stated that she has attended events at the Episcopal Church that serve wine and she has not heard any concerns about the Hampton Inn from them. Commissioner McGahee stated that she feels this is a great project and is what our city needs. She stated that this is a typical Hampton Inn hotel; it is not a lounge. We should be proud and thankful that Mr. Patel is willing to invest over \$10,000,000 in our community. She stated that she feels his comments are totally misplaced; to insinuate that someone greased someone is totally wrong. Mr. Cochrane stated that he said the wheels had been greased. He also stated for the record that he did not say that it was a bad project; he said it was a good project in a bad location. Attorney Brandenburg then swore in Community Development Director Travis Reese. Director Reese noted that there are significant changes to the Highway 27 corridor that the Commission will be addressing as we go forward and staff concluded that the Highway 27 corridor will allow for the sale of beer and wine for consumption only and other things such as extra height and shared parking in order to make the property more attractive and more appealing to developers. He stated that he feels this is the best way to move forward on this particular request until we can consider the comprehensive zoning change for the corridor. He noted the pedestrian way in front of the church is about 400 feet from the front door of the hotel and if it was 501 feet, the request for approval would not be needed. He added that we do not want to encourage nontaxable uses along Highway 27; we want to reserve our front porch for taxable uses.

Jeff Smith, Pastor of First United Methodist Church, came forward and stated that he feels the sale or availability of alcohol in any place opens the door for people who will misuse it and asked the Commission to consider making changes to the amount of alcohol that is sold.

Attorney Brandenburg swore in Harry Patel the owner of the hotel property. Mr. Patel clarified that he is investing \$11,000,000. He stated that he is only selling beer and wine and it is strictly for guests of the hotel. He also stated that there is no land available in the City with water and sewer for him to invest his money. He then confirmed the hotel has no lounge and there will be no bartender. He stated the person behind the desk will verify the sale of the beer and wine is to guests of the hotel. He noted that he would not be able to deny the sale of beer and wine to friends of guests. Commissioner McGahee stated that she wants to be clear to the community why she takes the position she takes. She stated that we can't forget about the east corridor. She stated the existing businesses along this section of Highway 27 are old and outdated and many of them are closed. She also stated that we need to participate in the movement of utilities in order to attract other businesses to the area. Mayor Gardner asked if anyone had any questions for Mr. Patel. After hearing none, she closed the public hearing.

Manager Martin stated that there are no restrictions for anyone to bring their own liquor at any hotel whether this exception is approved or not. Approval of this request would simply allow the city to check the box on their application to the responsible state agency to acquire and maintain their permit. Otherwise they would not meet the franchising requirements for this service to be available to patrons. Patrons of the hotel would have to leave the premises to acquire beer and wine without this permit. Mayor Gardner stated she continues to support this project because she feels it is important that we are focused on redeveloping and

revitalizing the community. Attorney Brandenburg suggested the recommended motion be changed to allow the beer and wine to be sold in containers only for consumption in the guest rooms only. Commissioner Petersen agreed that the language in the motion should be tightened and feels the Commission needs to look at what they want to do on the Highway 27 corridor. Attorney Brandenburg explained the reason why he said “in containers” is because the way it is worded now, they could open a lounge in the lobby area. Mr. Patel stated that he feels no one will buy beer or wine if they are restricted to drink it in their hotel room only therefore he was not desirous of the suggested language.

Commissioner Rodriguez made a motion, seconded by Commissioner McGahee, to approve the sale of beer and wine in containers only to overnight guests of the Hampton Inn at 305 W. Sugarland Highway for consumption on the premises under Sec 6-2, City of Clewiston Code of Ordinances. Vote 4 yeas, 1 nay (Commissioner Petersen voted nay.)

Before the vote, Mr. Patel asked if there is a “No Alcohol” sign at the pool, would he be penalized if someone brings their own alcohol. In response, Attorney Brandenburg stated that would be giving legal advice and he does not believe the city should be giving legal advice to a private entity. Manager Martin noted that other hotels allow alcohol on their premises but they typically do not allow any use of glass containers at their pools.

RESOLUTIONS

3. **Resolution No. 2020-12** – Resolution No. 2020-12 approves emergency repairs, including the purchase of parts, to the City’s sewer system.

Manager Martin summarized the agenda report and Mayor Gardner read Resolution No. 2020-12 by title.

Vice Mayor Atkinson made a motion, seconded by Commissioner Petersen, to approve Resolution No. 2020-12. Vote 5 yeas, 0 nays

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

4. **Consideration of Lien Waiver – 427 E. Alverdez Ave.**

Exhibit: Agenda Item No. 4

Recommendation: City Manager recommends the City Commission approve Option 1 which is to waive interest and penalties in conjunction with receipt of proceeds from County sale and apply proceeds to principal – property owner would be responsible for the remaining principal balance: \$531.09.

Manager Martin reviewed the agenda report and recommended the Commission approve Option 1 of the possible options listed for the Commission’s consideration. Finance Director Shari Howell came forward and stated that the City previously held an amnesty period where penalties were waived but reminded the Commission that Attorney Brandenburg feels it is best to handle these requests on a case by case basis. She clarified the City previously waived penalties only, not interest. Manager Martin noted that the penalties and interest on this property are far in excess of the property’s value and stated that he feels that Option 1 is the preferred action and in the city’s best interests considering the history of the lack of code compliance and associated enforcement costs. Mayor Gardner stated that this property is vacant and her concern is that it may continue to sit vacant or the owner may sell it for a lot more than what he bought it for. Mr. Billy Joe Haithcock, the owner of the property, came forward and explained that he was unaware of the high liens and penalties when he bought the property and is asking the Commission to waive penalties and interest. He stated that he will be paying taxes and maintaining the property for 4 years before his son is able to get a loan to build a house on it. Mrs. Laura Smith came forward and stated that she was at the sale when Mr. Haithcock purchased the property and the Clerk fully explained that the buyer should be cautious. She expressed that she is in favor of the penalties being waived but is not in favor of any interest being waived.

There was a general discussion regarding how to determine the amount owed and how future requests should be addressed. Commissioner McGahee stated that she feels the property's assessed value should be used to determine the amount owed and future requests should continue to be evaluated on a case by case basis. Mayor Gardner stated that she would like staff to look at this again and come back with a recommendation on how these liens on properties are going to be handled. Mr. Antonio Perez came forward and stated that the City is similar as a second mortgage holder in this situation and the most you can get is the difference in what is owed to the first mortgage holder and the fair market value. Attorney Brandenburg noted that you also do not want to take away the incentive for people to bid at tax sales.

Commissioner McGahee made a motion, seconded by Vice Mayor Atkinson, to set the amount to settle the outstanding lien with the City at \$2,800. Vote 4 yeas, 1 nay (Mayor Gardner voted nay.)

After the vote, Manager Martin noted that consideration of any action on the code enforcement lien will go before the special magistrate.

5. **Advanced Metering Infrastructure Benefit-Cost Analysis** – This Benefit-Cost Analysis (BCA) for the Advanced Metering Infrastructure project was requested by the Commission at the October 14, 2019 workshop, and was included in the scope of services for phase 1 of the AMI deployment, approved by Resolution No. 2019-75.

Manager Martin summarized the information he distributed about this item in the City's FYI newsletter and reviewed the project summary and cost benefit analysis. He stated that based on the results of the analysis, it would be beneficial for the City and its customers to pursue the AMI Project with the use of borrowed funds as necessary which will have a short return on investment in terms of the conservatively projected annual savings that will help offset the debt service cost. Either way, the analysis illustrates the City needs to replace the vast majority of its utility meters in the next several years due to their age and obsolescence. Manager Martin stated that the technology would virtually eliminate the need for traditional meter reading staff and functions. Director Danny Williams confirmed that he feels confident in the results of the analysis and supports this project. Commissioner Rodriguez stated he feels that customers will have the confidence that we are giving them a more accurate reading with this technology upgrade.

Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to proceed with the next steps to complete the remaining elements of the Phase 1 AMI deployment contract. Vote 5 yeas, 0 nays

6. **City Manager Recommendation to amend the City's Code of Ordinances regarding driveway aprons that remain unpaved and unconstructed.**

Manager Martin summarized his recommendation to the Commission to include the driveway apron upgrades when projects are undertaken by the City on affected street sections or as individual property owners are required by other code provisions and refrain from establishing an arbitrary deadline until a funding mechanism is in place to ensure compliance. Mr. Jerry Cochrane came forward and expressed his disappointment in the recommendation. He stated that there are some driveway aprons needed on Circle Drive which was recently resurfaced so it may be 20-25 years before those driveway aprons are paved. Manager Martin stated the City could establish a funding mechanism to do such example locations sooner. Mr. Cochrane expressed his appreciation to the Commission for the work they do and stated that he hopes the Commission does not take his criticism personal. Manager Martin stated that he feels it is an unrealistic expectation to adopt an arbitrary deadline that in most cases is not going to be met unless the City comes up with the money, which could be done through borrowing, but the City has higher priorities in the near term than this need. Commissioner Rodriguez stated that he agrees with Manager Martin but is disappointed because we have talked about requiring the customer to repair driveway aprons on roads that are being resurfaced but have never enforced it. Mayor Gardner suggested that we go back and look at those in the area that was recently resurfaced and see if we can contact those property owners to see if it is possible to get those driveway aprons paved with the upcoming paving projects. Manager Martin stated he agreed that the city

should go back and consider areas that were recently resurfaced and get a unit cost to pick up some of those with the Ventura Project, which will obviously take funding from City funds until owners can be assessed and reimburse the city for the cost, which would not be unreasonable. Commissioner McGahee asked Community Development Director Travis Reese to review when the requirement to pave or improve your driveway apron would be triggered. Director Reese stated that when the cost of improvements to property are in excess of \$2,500, the City's ordinance requires the property owner to pave or improve their driveway apron or add a culvert, if necessary. Commissioner McGahee asked Director Reese if there are any improvements on his January 2020 permit report that would require driveway apron upgrades. Director Reese stated that he does not believe there is but would need to check. He then clarified that driveway apron upgrades are not currently required for re-roofing projects.

Commissioner Petersen made a motion, seconded by Commissioner Rodriguez, requesting a revised ordinance to opt to include the upgrades on unpaved and unconstructed driveway aprons when projects are undertaken by the City on affected street sections or as individual property owners are required by other code provisions to do so and to refrain from establishing an arbitrary deadline until a funding mechanism is in place to ensure compliance. Vote 5 yeas, 0 nays

7. City Manager Recommendation regarding the cooperative relationship with Hendry County for library services.

Manager Martin explained that the City currently has a cooperative relationship with Hendry County for library services where the City takes the lead of the three libraries in Hendry County. He stated that he has been in discussions with the County Administrator and other counties about Hendry County joining a multi county cooperative to access additional state funding that is available for multi county cooperatives. He noted that Hendry County is interested in getting input from the City of Clewiston before moving forward. He stated that Glades and Okeechobee Counties are currently members of a five county cooperative and there have been indications that they want to leave that cooperative and partner with Hendry County. He added that notice of a change has to be given by April 1 of any given year if those counties desire to leave their current cooperative the following October and Hendry County would need to give notice to those two counties of its desire to enter into a cooperative for the fiscal year that begins October, 2020. He stated there is significant funding available with estimates as much or more than \$300,000 to the cooperative if it were to be formed. He also stated that Hendry County agreed to consider a favorable action on this proposal at their next board meeting and recommended the City Commission by motion state its desire and intent to continue in the cooperative relationship with Hendry County for library services that we have enjoyed for the past decade and that the City endorse Hendry County joining the multi-county cooperative to access additional state funding. He further recommended the City Commission authorize him as city manager to continue to work cooperatively with Hendry County officials and the other participating county representatives to ensure that a fair and equitable cooperative agreement is crafted between the participating counties that is consistent with the terms of the Hendry County and City of Clewiston cooperative agreement recognizing that the current county and city agreement will need to be amended as necessary which will require the local agreement to come back to the City Commission for formal action when necessary amendments are finalized. He then stated that there is an additional opportunity to get some grant money for the start-up of this new cooperative. Library Director Natasha Hayes explained the funding would be used by the entire cooperative, not just one library. She stated the library board and cooperative board have met and are not very receptive to the idea at this time. Mrs. Toni Couse, Hendry County Cooperative Board Member and Clewiston Library Advisory Board Member, stated that she feels we should talk more to find out why we would not want to go with another county that has a bigger operating budget rather than picking up two smaller ones. She stated that she does not like to be pushed into decisions. Mr. Frank Harris, Clewiston Library Advisory Board Member, stated that he agrees with Mrs. Couse and feels we should look at other options. Mayor Gardner stated that she is not ready to make a decision and would like to stay in the same cooperative for this year. Manager Martin stated that if Hendry County chooses to go forward, he recommends that we also move forward. He stated that he knows that Hendry County wants to consider a partnership with Glades County. Mayor Gardner stated that she would like to see a joint meeting with Hendry County to discuss this matter.

Commissioner McGahee asked for a copy of the current cooperative agreement and asked if there is any way a joint meeting could be scheduled before April 1. Vice Mayor Atkinson stated that we want to partner with our neighbors but we want to do what is best for our City and County. He also stated the extra funding is not always what is best for the community and prefers to wait until next year. Manager Martin stated that he will recommend that it be effective April 1, 2021 if the Commission will accept his recommendation. Mayor Gardner stated that we want to continue in a cooperative relationship with Hendry County for library services that we have enjoyed in the past decade and we have some concerns with having to make a decision without have the interaction with the Hendry County Board of Commissioners. She asked that we make a motion that reiterates the cooperative relationship with Hendry County for library services and that we would respectfully request that this process be one that's vetted out in a fair and equitable cooperative agreement that is not driven by a timeline that is not to the benefit of Hendry County.

Commissioner McGahee made a motion, seconded by Commissioner Petersen, to reiterate the Commission's desire and intent for the City of Clewiston to continue its cooperative relationship with Hendry County for library services and that the Commission would respectfully request that this process to expand the cooperative be one that is vetted out in a fair and equitable cooperative agreement which is not driven by a timeline that is not to the benefit of Hendry County. Vote 5 yeas, 0 nays

Mayor Gardner stated that she is planning to attend the next meeting of the Hendry County Board of Commissioners on February 25, 2020 and encouraged her fellow Commissioners to also attend. She also stated that she feels it is important that the Clewiston Library Advisory Board meet with City Manager Randy Martin and Hendry County Manager Jennifer Davis before the February 25, 2020 meeting or attend the February 25, 2020 meeting to have their questions answered.

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

Comments from City Manager – Manager Martin stated that he plans to have a recommendation on the storm shutter regulations at the March 16, 2020 Commission Meeting.

Comments from City Attorney - none

Comments from the City Commission – Commissioner McGahee acknowledged Code Enforcement Officer Debbie McNeil for her work on enforcement of the shutter violations. She also acknowledged Public Works Director Sean Scheffler for his department's work on the Royals Plaza sidewalk safety rail project.

Vice Mayor Atkinson apologized for being late to the meeting today.

Mayor Gardner stated that she attended the Hendry County Fair and an event at the Clewiston Museum. She stated that both events were extremely successful. Vice Mayor Atkinson noted that over \$230,000 was raised at the livestock sale and over \$3,600 was raised for a flag pole project at the cake auction.

Manager Martin congratulated City Attorney Brandenburg for getting a draft of the corridor plan prepared. He stated that it will be presented along with other information at a joint meeting with the Planning & Zoning Board with an invitation to the CRA Advisory Board members to attend and participate in the highway corridor discussion on March 9, 2020 at 5:30 p.m.

Mayor Gardner announced that a Special Commission Meeting for the auditor selection and a Commission Workshop to continue the discussion about goals are scheduled for February 27, 2020.

Adjournment

The meeting adjourned at 7:57 p.m.

Mali Gardner, Mayor

Mary K. Combass, Interim City Clerk