

**CITY OF CLEWISTON**  
**Regular Commission Meeting**  
**July 20, 2020**

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The City of Clewiston Commission held its regular meeting by telephone conference call on Monday, July 20, 2020. The meeting was called to order at 5:00 p.m. by Mayor Gardner.

**Commissioners in attendance by telephone:** Mayor Mali Gardner, Vice Mayor Michael Atkinson, Commissioner Melanie McGahee, Commissioner Kristine Petersen and Commissioner Julio Rodriguez.

**Personnel in attendance by telephone:** City Manager Randy Martin, City Clerk Kathy Combass, Finance Director Shari Howell, Utilities Director Danny Williams, Community Development Director Travis Reese, City Consulting Engineer Andy Tilton and City Attorney Gary Brandenburg.

**Others in attendance by telephone:** Tom MacVicar

**Virtual Meeting Instructions on How to Watch and/or Participate:**

The City of Clewiston Commission Meeting will be live on the City's Facebook page at <https://www.facebook.com/cityofclewiston> and the City's website at <http://clewiston-fl.gov/meetings>. Public comments or questions may be submitted via email to the City Clerk at [cityclerk@clewiston-fl.gov](mailto:cityclerk@clewiston-fl.gov) for the Commission's consideration up until 12:00 p.m. on the day of the meeting. Public comments will also be allowed via telephone (Phone # 863-254-4038, Room # 994729) at the time the agenda item is being considered when the Mayor invites public comments. Members of the public, when addressing the Commission, via email or telephone, must state his or her name, address, contact information and agenda item they wish to speak about. Be advised that the Commission may take action on items not listed on the agenda. If this occurs, public comments will be received at the time the item is considered provided you speak up indicating your desire to speak when the Mayor invites public comments.

Mayor Gardner read the Virtual Meeting Instructions on How to Watch and/or Participate by telephone.

**Statement of the Mayor regarding Virtual Public City Commission Meeting:**

Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron DeSantis on March 20, 2020, as extended by Executive Order No. 20-112, Executive Order No. 20-123, Executive Order No. 20-139 and Executive Order No. 20-150, municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes. The members of the City Commission appearing remotely for this meeting are Mayor Mali Gardner, Vice Mayor Michael Atkinson, Commissioner Melanie McGahee, Commissioner Kristine Petersen and Commissioner Julio Rodriguez.

**Prayer and Pledge of Allegiance** – Mayor Gardner led the audience in reciting the Lord's Prayer and the Pledge of Allegiance.

**Additions/Deletions/Changes and Approval of the Agenda** – Manager Martin stated that Tom MacVicar, Consulting Engineer with MacVicar Consulting, who represents the City's interest in the Lake Okeechobee discussions will be giving an update after public comments.

Pastor Carlos Roque of New Harvest Church on behalf of the Clewiston Ministerial Association gave the invocation.

**Public Comments** – Mayor Gardner asked for public comments and stated that she will also give an opportunity for public comments as each agenda item is discussed. No public comments were heard.

Tom MacVicar, Consulting Engineer with the firm MacVicar Consulting, reported on issues relative to Lake Okeechobee and the U.S. Army Corps of Engineers (Corps). He reported that we are still in the initial phase on how we are going to evaluate ideas on the new lake schedule (LOSOM). He stated the most controversial issue is algae; they are struggling with how to make algae a parameter that they can use to distinguish between different lake schedules. He stated the other issue is how high they will allow the lake to go once the Herbert Hoover Dike repairs are done. He added that a limit has been defined that will allow the lake to go as high as it did with the previous schedule. He explained that if they want to do something different, they have to propose a planned deviation and the plan published on July 1 will allow the Corps to do what they did last year; lower the lake in the dry season before the summer. He added that public comments will be accepted until July 30 and feels our main response will be to try to get the Corps to be more specific about what they are going to do and what criteria they will use in making their decision. He then reported that the Water Resource Act and the savings clause are being discussed in Washington and a compromise pressures the Corps to make algae blooms a factor in how they manage the lake but it also forces the Corps to evaluate as part of the schedule process what it would do if they never used the Port Mayaca Lock to lower the lake. He stated that he is not sure how that will turn out but they will evaluate that and then noted that there have been other scarier ideas on the table and reviewed some of them with the Commission. Mayor Gardner thanked Mr. MacVicar and expressed her appreciation to him for what he's doing on the City's behalf. She asked if the City should consider making a request to extend the deadline for the deviation plan as Palm Beach County did. Mr. MacVicar expressed that he would love the City to request an extension. Mr. MacVicar agreed to provide the algae objective metric for the lake levels to Manager Martin with an explanation in an email to forward on to the Commission. Mayor Gardner asked if there had been any discussions about the amount of water that comes in from the north. Mr. MacVicar stated that there have been no discussions on that in the context of this legislation but the idea has been discussed in the Corps' planning process. He added that the Corps is not moving forward with any storage north of the lake and explained that the wells would help with the amount of water that could be held north of the lake but the wells are somewhat limited and it will be a while before any of them are constructed. Mayor Gardner stated that she feels it is important that we ask the Corps to extend the comment period for the deviation plan. Manager Martin stated that if no one objects, we will plan to submit a letter with Mr. MacVicar's help. There were no objections from the Commission. Mr. MacVicar stated that he will get a draft letter to us shortly and expressed his appreciation for the City's willingness to get involved.

## 1. Consent Agenda

- A. *City Commission Workshop Minutes – January 22, 2020*
- B. *City Commission Workshop Minutes – February 27, 2020*
- C. *City Commission Meeting Minutes – June 15, 2020*
- D. *Resolution No. 2020-39 - Budget Amendments for FY 2019-2020*
- E. *Purchase Order #20373 for Electric Distribution Pole Inspection and Treatment Contract*
- F. *For Informational Purposes – 2020–21 Tentative Budget Calendar*
- G. *For Informational Purposes - Florida League of Cities Resolution Honoring Mali Gardner for Twenty Years of Elected Service*

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

Commissioner Petersen noted that a resolution by the Florida League of Cities honoring Mayor Gardner for twenty years of elected service was on the Consent Agenda. Mayor Gardner stated that she is honored to serve. Manager Martin stated that a plaque was also delivered to Mayor Gardner.

At Commissioner McGahee's request, Commissioner Rodriguez and Vice Mayor Atkinson confirmed they were in attendance via telephone.

## **PUBLIC HEARING**

- 2. **Ordinance No. 2020-01 – PUBLIC HEARING – Final Reading – 5:05 p.m.** – Ordinance No. 2020-01 amends the § 110-495 of the Clewiston Code of Ordinances to allow for the

maintenance and repair of automotive, agricultural and marine equipment within the Commerce Park Industrial District (CPID).

Mayor Gardner opened the public hearing and read Ordinance No. 2020-01 by title. She stated that notices were sent out and no public comments had been received via email. She then asked for comments from the public, Commission and City staff. After hearing no comments, Mayor Gardner closed the public hearing.

**Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Ordinance No. 2020-01. Vote 5 yeas, 0 nays**

### **PRESENTATION**

#### **3. PRESENTATION OF FINANCIAL AUDIT FOR FISCAL YEAR 2019 – Mauldin & Jenkins**

Manager Martin expressed his appreciation to Finance Director Howell and her staff for their efforts in meeting the requirements of the auditors and stated that he is pleased the auditors were able to submit in a timely manner and we were able to meet our obligations to the state. He then asked Director Howell to introduce the auditors and add any comments that she may have. Director Howell stated that she is thankful that we were able to work with the auditors to get the audit accomplished. She introduced Wade Sansbury and Daniel Anderson of Mauldin & Jenkins. Mr. Anderson stated that he was responsible for the day to day activities of the City's audit. He stated that Wade Sansbury, who was the engagement partner with overall responsibilities of the City's audit, is also on the line. He thanked Director Howell and her team for the work they put in. He then reviewed the Auditor's Discussion and Analysis. He stated the one finding that was noted and considered to be a material weakness is a prior period adjustment. He explained that there is a long-term interfund loan between the General Fund and the Water and Sewer Fund that was not recorded at the General Fund level which is required under GASB No. 34 which required a \$479,000 adjustment to the beginning fund balance of the General Fund in order to record that long-term interfund loan. He also explained that there was an amount due to the Pension Trust Fund from the General Fund for the amount of \$100,516 and in their discussions with management, this was a matter that was recorded under an old accounting principal that is no longer effective, so therefore per discussions with Director Howell, the City had just recorded it based on the old accounting pronouncement so they went ahead and adjusted the beginning fund balance for that amount as well so in total those two amounts had an effect of \$378,688 from the beginning fund balance of the City's General Fund. He stated that in addition to the one finding, which is considered a material weakness and is something they are required to report under the Yellow Book requirements, there is a management letter comment regarding interfund activity and the City's use of pooled cash, which is not a matter considered a material weakness but more of a best practice that they would like management to consider implementing. He explained that the City currently does not have a pooled cash system in place to track the cash within all of the funds of the City. They recommend that instead of having several bank accounts for each fund, the City should consider implementing a pooled cash system which will allow for all of the transactions to be processed automatically through the general ledger system, which will help management cut down on the burden of performing multiple bank reconciliations each month. He then reviewed the new Governmental Accounting Standards Board (GASB) Pronouncements and stated that they will work with Director Howell as those pronouncements become effective. He then noted that their firm offers complimentary continuing education and provides quarterly newsletters on current events in the government accounting world to their clients. Commissioner McGahee asked if there is an action the Commission needs to take regarding the implementation of the pooled cash system. Mr. Anderson's response was that is something that Director Howell will have to work on to see when it is feasible to bring it on so that there are no issues. He recommended that when Director Howell has the time, she make sure that it is set up correctly and test it properly before it goes live. Director Howell confirmed that her intention is to work toward that goal. She explained that there are variables involved and a couple of issues need to be changed. She agreed to share the information with the Commission at a budget workshop. Manager Martin stated that he feels it is an achievable goal and something that we want to transition to as expeditiously as we can. He added that we will give an update to the Commission at one of the work sessions and will also get back

to them if an action is necessary. Commissioner McGahee then asked for an explanation regarding the prior period adjustment comment as she would like the explanation to be on record. Director Howell explained that the long term interfund loan is a combination of the All Juice loan where the General Fund borrowed \$400,000 from the Water Sewer Fund to build a building for All Juice in Commerce Park and a fire trucks loan. She stated that we are paying the money back and it was recorded when it happened and then when GASB 34 came out, it should have been recorded a different way and because it was recorded in our long term debt and it didn't have any issues before, she left it alone. Mayor Gardner thanked Mauldin & Jenkins. She stated the firm looked at the economic factors of our community. She also stated that we have not resumed at the pre-recession pace but are beginning to recover, which has been her hope for several years. She also expressed her appreciation to Mauldin & Jenkins for the information on the future accounting changes, the offer for the continued learning for the City's staff and the information to all of them in regards to accounting. She then congratulated Director Howell and her staff for the outstanding comment on the 2009 finding that was removed in this audit. Mr. Sansbury stated that they appreciate the opportunity to serve the City and are very happy with how Director Howell and her staff helped them get through this to get it done by the deadline. Commissioner McGahee asked for an explanation on how the 2009 finding was resolved and if the City should have an outside CPA firm. Mr. Sansbury stated that they believe the City is fully capable of taking on the responsibility of preparing its financial statements, which is why the finding was resolved. He stated that some of their clients actually prepare their financial statements 100% themselves and they just audit them and apply comments to them but a firm that has the expertise and experience to prepare thousands and thousands of returns on an annual basis is much more capable and efficient at doing that. He stated that is something they can do and enjoy doing for their clients. Commissioner McGahee stated she was pleased with the report and expressed her appreciation to Mauldin & Jenkins for the work they did. Mayor Gardner agreed and mentioned the Auditor Selection Committee that spent time in reviewing the proposals and making a recommendation to the Commission. Manager Martin also agreed and stated that this was one of his administrative goals regarding the City's financial reporting. He stated that he expects that we will be on a much less strenuous schedule next year. He also stated that we have a future administrative goal of receiving a Comprehensive Annual Financial Report (CAFR) award that we will work toward as the staffing and process evolves. He noted that is an important area of local government that will help us in our budgeting process and all other processes going forward. He also recognized the Auditor Selection Committee that helped in the selection of Mauldin & Jenkins. He stated that he is very pleased with the outcome and looks forward to several more years of a good relationship with them.

## **ORDINANCES**

4. **Ordinance No. 2020-02 – First Reading – 5:05 p.m.** – Ordinance No. 2020-02 provides for the registration of vacant buildings to protect neighborhoods from health and safety hazards and from blight caused by the lack of adequate maintenance and security of vacant buildings.

Mayor Gardner read Ordinance No. 2020-02 by title. Manager Martin explained that this item came up in one of the Commission's goal setting meetings and the ordinance had been reviewed by the City Attorney, City staff and the Planning & Zoning Board. Community Development Director Travis Reese reported the ordinance was approved and recommended to move forward by the Planning & Zoning Board unanimously. He reviewed the ordinance with the Commission and noted the schedule of fees and registration renewal form was attached to the ordinance. Attorney Brandenburg mentioned that owners of vacant residential buildings who execute an affidavit that they intend to resume occupancy of the structure within 180 days, are exempt from the registration requirement so part time residents will not have to register their homes when they are away during the summer. Commissioner Rodriguez asked if the focus was going to be on the 27 Corridor first. Commissioner McGahee stated that she talked to Manager Martin earlier today about the possibility of implementing the commercial area first to see how it works out. Manager Martin stated that he also had a conversation with Commissioner Rodriguez and from what was discussed, he recommends the focus be on commercial vacant buildings. Vice Mayor Atkinson and Commissioner Petersen agreed. Mayor Gardner stated she feels the commercial buildings, especially on the 27 Corridor, should be addressed first. Commissioner McGahee asked if Section 4 of the ordinance could somehow be clarified so that if the owner of the property is

an entity, there is someone we can contact who is familiar with the property. Attorney Brandenburg confirmed that he could re-word that section to make it clearer. He then stated that since the Commission would like to focus on vacant commercial buildings, industrial and residential could be deleted entirely from the ordinance or the Code Enforcement Department could be instructed to start the phasing in of this ordinance in the commercial areas and then later address the other areas if it is successful. Manager Martin said that it could be done either way but feels the most expeditious way would be not to include the residential areas in the ordinance at this time. He explained that it may be confusing to the community and possibly staff and there may be complaints that we are not enforcing what was approved. Mayor Gardner summarized the consensus changes and stated that any reference to residential should be deleted and Section 4 will need to be re-worded to be more definitive or specific to ensure the resident agent is someone that can be contacted. Attorney Brandenburg asked if the Commission wanted to keep industrial properties in the ordinance or if it should be deleted as well. After discussion, the general consensus of the Commission was to keep the reference to industrial properties in the ordinance because their intent is to focus on the 27 Corridor and there are two properties on the east end of town that are zoned industrial. Commissioner McGahee requested that a reminder to follow up on this matter in one year be placed on the calendar to see where we are at so that we can evaluate how it is going so that we don't just have another ordinance on the book that no one is dealing with and have a report as to what is being accomplished in regard to the implementation of this ordinance. Manager Martin agreed to do so but stated that he anticipates that the Commission will get a regular report on the progress once action is taken and at least on an annual basis to see whether the Commission would like to go back and revisit the ordinance with regard to residential. Mayor Gardner then asked for public comments. No public comments were heard.

**Commissioner Rodriguez made a motion, seconded by Vice Mayor Atkinson, to approve Ordinance No. 2020-02 on first reading striking any mention of residential and amending Section 4 to be definitive on the issue of a resident agent and what the requirement might be and set the public hearing for August 17, 2020. Vote 5 yeas, 0 nays**

## **RESOLUTIONS**

5. **Resolution No. 2020-40** – Resolution No. 2020-40 approves Form DR-420 – Certificate of Taxable Value, Form DR-420TIF – Tax Increment Adjustment Worksheet and Form DR-420MM-P – Maximum Millage Calculation to be transmitted to the Hendry County Property Appraiser for preliminary millage calculations.

Manager Martin stated that we have reviewed our financial projections prepared by Finance Director Shari Howell. Based upon the current information available, we anticipate getting additional guidance this week from the State that will be impactful on the upcoming budget cycle. He stated that Director Howell has put together some projections and they recommend that the millage not be considered to be raised above its current level and asked the Commission to take action on this resolution and set the maximum millage rate that would be considered in the upcoming budget cycle. He expressed that he does not believe it is the year to raise the millage rate above the current rate. He stated that it will be a challenging budget cycle and we are going to have to approach it in some ways more conservatively than we have in the past because of the impacts of COVID-19 on our current year budget as well as the coming fiscal year budget as best as we can project. He noted the draft budget schedule was approved in the Consent Agenda and a budget workshop is planned for Monday, July 27, 2020 in the Beardsley Room with social distancing practices in place.

Director Howell stated that the resolution approves the information that we are required to submit by August 4. She then reviewed each of the forms and stated that we are proposing to set the tentative millage rate to keep it the same at 6.5314 and set the date and time of the tentative budget hearing for September 10, 2020 at 5:30 p.m. at the City Commission Chambers unless there is a reason that we need to do it virtually in which case it would be in the Beardsley Room. She explained that the DR420TIF forms are regarding the two CRA funds and stated that some of the tax money will go to those funds this year. She stated the DR420MM-P form sets the preliminary maximum millage. She also stated the Certified Gross Taxable Value that we are using for operating purposes to do the calculations this year

that we received from the property appraiser's office is \$259,050,600, which is an increase over last year of \$16,488,807 or 6.36%. She added that \$3.13 million of that is due to new construction and the rest is due to re-evaluations. Mayor Gardner then read Resolution No. 2020-40 by title. Director Howell stated that the difference between the rolled back rate and current millage rate is about \$77,613. Manager Martin stated that he is pleased the calculations show that we would gain some funding for our CRA so that we could make some recommendations on things to be considered that could be a boost to public and/or private properties in the CRA district. He added that once the numbers are finalized and the budget approved, the CRA Advisory Board would be organized to discuss possible ways to utilize that funding to benefit the community. Mayor Gardner then asked for public comments. No public comments were heard.

**Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2020-40. Vote 5 yeas, 0 nays**

6. **Resolution No. 2020-41** – Resolution No. 2020-41 confirms the City Manager's certifications regarding Ordinance No. 2016-06 abandoning and vacating an alley and two 5' easements located in Block 201 of the General Plan of Clewiston, Florida, as revised, located and lying on or between Lots 1-24, inclusive and Lots 25-36, inclusive.

Manager Martin stated that this item is related to the previous actions by the Commission to abandon and vacate an alley and easements in Block 201 related to development of the Hampton Inn property. He explained that the ordinance abandoning and vacating the alley and easements stipulated that, in order for it to be effective, a resolution was required indicating the City Manager's confirmation that certain actions had been taken. City Attorney Brandenburg further explained that when the Commission initially considered the ordinance, there were issues regarding the funding available for necessary easements or rights of ways and the cost of relocating any utilities that had to be moved and this action cleans that up for the record and completes the abandonment and vacation project. Mayor Gardner then read Resolution No. 2020-41 by title and asked for comments from the Commission and the public. No public comments were heard. Commissioner Rodriguez mentioned that he visited the hotel and feels it is a nice centerpiece for our city and hopes that it is the start of good things to come.

**Commissioner Rodriguez made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2020-41. Vote 5 yeas, 0 nays**

7. **Resolution No. 2020-42** – Resolution No. 2020-42 authorizes the purchase of a 2020 Ford Super Duty F-250 Pickup Truck in the total amount of \$32,078. Pricing is per Sourcewell (formerly NJPA) specifications.

Manager Martin reported that materials are not available to do the substation and distribution and electric system upgrades that were budgeted this fiscal year in a timely manner and there may be some grant funding that may take care of some aspects of our needs in the electric department. Because of COVID-19 delays related to that situation with production of vehicles, this pickup truck that was needed for replacement in next year's budget is recommended to be moved up and ordered well in advance because of the production delays. For all of those reasons and since it wasn't being used for the original intent as an approved item in the budget, staff has asked that we convert the use of these funds for the purchase of this equipment. Utilities Director Danny Williams stated that the truck being replaced is a truck that is used on every call out, is used to haul equipment and is about 15-16 years old. He stated another concern is that it was considered for next year's budget in which he also has a water department truck and a water plant truck that are both almost twenty years old and need to be replaced. He mentioned that he lost a wastewater truck when an individual wrecked and totaled the truck so he felt that it would be a great opportunity to use those funds to purchase this pickup truck and reduce next year's vehicle budget. Mayor Gardner then read Resolution No. 2020-42 by title and asked for public comments. No public comments were heard.

**Commissioner Petersen made a motion, seconded by Vice Mayor Atkinson, to approve Resolution No. 2020-42. Vote 5 yeas, 0 nays**

8. **Resolution No. 2020-43** – Resolution No. 2020-43 approves the Amendment to the Gateway South PUD Master Concept Plan. Stantec Consulting Services, Inc., on behalf of their client, U.S. Sugar Corporation, is requesting an amendment to the Gateway South PUD Master Concept Plan previously approved in 2006. The proposed revisions include converting a portion of the commercial acreage to residential to allow for the development of residential units.

Manager Martin expressed that he feels this project is important for the City and is the first step in the process to begin meeting some of the City's housing needs. He stated the Commission adopted an ordinance in 2006 approving the first PUD within the City however that project did not proceed and was not developed as planned. Now, United States Sugar Corporation, the owner of the property, has engaged Stantec Consulting Services, Inc. to present a modification to the concept plan that was previously approved. He noted that staff want to make sure that in taking action, the Commission use the July 14 sketch that was sent out today that corrected two minor typographical errors. Community Development Director Travis Reese explained that when a PUD is approved, it must have a master concept plan and when there are significant changes to that plan, it needs to come back to the City Commission for approval. He then reviewed the changes to the plan and mentioned that the northeast corner of the property that was originally in the PUD is not included in this modification request and if the northeast corner was developed, it would be developed with the old plan. Mr. Josh Philpott from Stantec Consulting Services, Inc., who represents United States Sugar Corporation, reviewed their proposal to amend the master concept plan. He noted the commercial intensity was reduced from 75,000 square feet to 15,000 square feet and the residential dwelling units increased by 170 from 400 to a maximum of 570. He also noted the proposed development is still well below the density permitted in the comprehensive plan. He added that they worked with staff to modify the site plan to allow for better traffic flow. Vice Mayor Atkinson asked if there will be some type of buffer between the highway and the homes. Mr. Philpott's response was that landscape buffering will be installed along the northern property line between U.S. Highway 27 and the first residential pod. Director Reese added that we can make sure the plat shows those areas when it comes back to be platted. Commissioner Rodriguez stated that he feels we need housing in our community and asked if this development will be connected to the golf course in any way. Manager Martin's response was that with the modification, there will be easy access by golf cart or by vehicle from the development to the golf course. Commissioner Rodriguez asked for an example of a commercial use inside the community. Mr. Philpott stated that there is no specific use identified at this time and noted that the PUD does allow for a variety of uses but with the 15,000 square foot limitation, it would be small. Commissioner Rodriguez stated that he feels the project is good for our community. Mayor Gardner asked for comments from the Commission and the public. Mr. Jerry Cochrane stated that the reason for his objection to this project is the density level. He stated that even though the project meets certain standards, he has seen what happens when you start squeezing homes together. He added that he feels people will be parking on the street and the swale areas because each unit will only be allowed one and one-half parking spots. Mr. Philpott responded by clarifying the parking minimum requirement is two spaces per unit and there may be an opportunity to provide additional parking. He also stated that this project will be subject to a homeowners association which will have specific requirements to control parking within the project area so that it does not become a major issue. Regarding the density and clustering of homes, Mr. Philpott stated that none of the property development regulations were changed and the number of units on this property is below the density that is allowed in the comprehensive plan. He feels the units shown are appropriate and there will be plenty of green space without creating an undue burden on the community. Manager Martin added that his understanding regarding the price point is that they intend to capture the \$200,000 range property purchaser and provide housing for teachers, professionals and law enforcement, fire department and EMS employees along with other categories that are having trouble finding adequate housing for their income level. After hearing no further comments, Mayor Gardner read Resolution No. 2020-43 by title. She mentioned that she feels there is nothing different in this project than what she has seen at Babcock Ranch, Ave Maria, and other developments that are taking off. She stated that she is looking forward to more discussion and information on this project. She added that we do have concerns with parking and other things in our community but those issues have to be addressed through code enforcement and noted that there would be an extra layer of enforcement in this project with the homeowners association.

**Vice Mayor Atkinson made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2020-43. Vote 5 yeas, 0 nays**

**MISCELLANEOUS ACTION AND DISCUSSION ITEMS**

- 9. Designation of Voting Delegate for the 94<sup>th</sup> Annual Florida League of Cities Conference** – The Florida League of Cities’ 94<sup>th</sup> Annual Conference will consist of the required business meetings on August 14, 2020. The FLC Business Meeting is scheduled on Friday, August 14, 2020 at 2:00 p.m. and based on the information received July 13, 2020, will be conducted on a fully virtual basis. It is important that each municipality designate one official to be the voting delegate for the FLC Business Meeting.

Mayor Gardner asked the Commission to consider appointing City Manager Randy Martin as the City’s voting delegate.

**Commissioner Petersen made a motion, seconded by Commissioner Rodriguez, to designate City Manager Randy Martin to be the voting delegate for the City of Clewiston for the FLC Business Meeting. Vote 5 yeas, 0 nays**

- 10. Consideration of Variance Request from Net Three Investments LLC** – The applicant, Net Three Investments LLC is requesting a variance to the minimum lot and building requirements for the property located at 332 West Ventura Avenue.

Vice Mayor Atkinson announced that he will abstain from this agenda item. Manager Martin summarized the request and stated that, before action is considered on this matter, he has suggestions in looking at this in a different manner and thinks we need to keep a comprehensive review of properties similarly situated in mind. Community Development Director Travis Reese reviewed the request and stated that the building width requirement for this zone requires single family homes to be built on a 75’ lot and in 2017 an exception was added that if the home is occupied on the lot in the previous five years, the width requirement may be reduced to 50’. He also stated that this application to construct a home came in outside the 5 year window so that is why the variance is required. Mayor Gardner asked for public comments. Mrs. Laura Smith on behalf of Net Three Investments stated that the P & Z Board approved her request and confirmed the square footage is about 150 square foot smaller than what was there in the past. Commissioner McGahee stated that the Commission has to follow the law with regard to variances; they are not in a legal position to grant this variance. Commissioner Petersen agreed with Commissioner McGahee. Attorney Brandenburg stated the variance requires compliance with six items delineated in the application and it is questionable as to whether the justifications given actually meet those requirements. He stated that if any changes to the existing ordinance are going to be allowed, they should be made uniform for everyone. He also stated the changes could be done by changing the lot width requirement for everybody or by changing the timeframe to allow people to build under the old requirement by extending the five year period. Mayor Gardner stated that she feels the timeframe should be extended and because there are so many vacant lots, she would like to see the same type or size of home go back up. She suggested the timeframe be extended one year or longer. Manager Martin then recommended that we initially bring back an ordinance revision extending the timeframe a full five years from the time the ordinance was originally adopted and then look to see if we could accomplish some other comprehensive approach to what the City’s original goal was in order to make sure these lots can be built upon. Attorney Brandenburg stated that the immediate issue can be solved by extending the timeframe and informed the Commission that an ordinance would need to be prepared and placed on the agenda for first reading. He suggested the Commission deny the variance request and instruct staff to bring forward an ordinance extending the time on the August agenda.

**Commissioner McGahee made a motion, seconded by Commissioner Petersen, to deny the variance request from Net Three Investments LLC and instruct staff to bring forward an ordinance extending the time for people to build on the 50 foot lots on the August 2020 City Commission Meeting Agenda. Vote 4 yeas, 0 nays (Vice Mayor Atkinson abstained.)**



After the vote, Commissioner Petersen stated that she feels we should take a complete holistic look at what we are doing and make all of the changes that need to be done. Manager Martin agreed and stated that for expediency of this request, we need to move expeditiously at the August meeting. Commissioner McGahee asked that the City Clerk place this item on the update list.

#### **11. COVID-19 Update and Discussion – City Manager Randy Martin**

Manager Martin reported that the City has implemented a number of re-opening steps this month. He mentioned there is very minimal activity in the use of our facilities as there is still hesitancy in the community. He stated that so far other than the food distribution and elections, there are only three other proposed rentals in August and September for the Youth Center and for the John Boy Auditorium, three events are currently scheduled in August and four events in September. He stated that we are proceeding with recommended guidance to those who use the facilities. He then reported that he is reassessing the use of splash pad and will be allowing access to other facilities in a phased approach as improvements are finalized in some of the other office buildings. He stated that the library has re-opened and no negative comments have been received. He then mentioned that he will be talking in more detail on items that we are pursuing for funding from the CARES Act through the County revenues that will be received from the State and stated that he is pleased to represent the City on the working group that the county formed to prepare recommendations on the uses of these funds. He explained that there will be a public distribution of \$1.8m for small business interests impacted by COVID-19 in terms of closures and other aspects and individual assistance. Governmental assistance will also be part of the package. He stated the City is an eligible participant to receive a portion of these funds. Management has made requests and our requests have been deemed eligible items by the county administration. He added that he will be briefing the Commission further on these funds at the work session on Monday, July 27<sup>th</sup>. He stated the County Commission will hopefully formally adopt the funding formulas and other aspects of the recommendation of the working group on the 28<sup>th</sup> and hopefully those funds will be available for the community and people to start applying for assistance on August 3 if all goes as scheduled.

#### **12. Old Business – Ventura Project Cost Update – City Engineer Andy Tilton**

Manager Martin reported costs for this project still greatly exceed the available funding from the grant sources so we are looking at other options to fill that void including going back to the state for additional grant funding once the specific amount of the shortage is known. City Consulting Engineer Andy Tilton stated the permitting for this project is through the South Florida Water Management District (SFWMD) and the City has been granted exemptions for roadway work and the additional drainage work. He stated the SFWMD provided comments as required by FDOT and the plans that reflect his responses to those comments are anticipated to be sent in to them in the next two weeks. Vice Mayor Atkinson asked if there is a cost estimate for this project and Engineer Tilton's response was that they do have a cost estimate but they have been working on refining that because some of the things that FDOT required will make some minor adjustments to it. Manager Martin stated the estimate is well above the grant amount so we are looking at other options on how to fill that void including looking at the available funding we have for street resurfacing annually and other possibilities. He noted that we also have an option to go back to FDOT for any unauthorized funding available. He stated that once the final permit changes are received by Engineer Tilton, they will update the estimate and get it to the Commission. Mayor Gardner stated that we want to make it more than just a paving project but at this point we have got to get that road paved. Engineer Tilton described the scope of the project as it currently exists in terms of minimizing the project to go forward with the absolute emergency need. He stated they are going to bid two different options to try to correct a place where the borings noted that there is muck under the road; they have taken off the bike lanes on the sides; and minimized the amount of drainage work just to that going under the road that is being re-paved. Manager Martin stated the budget for this project was prepared previously by a different firm some time ago and that is what was used to apply for funding from the state. He also stated that we are obviously facing a much different number now and will use that as our discussion with the state for pursuit of additional funding.

Mayor Gardner then stated for the record that this virtual meeting was held under Executive Order No. 20-69, issued by the Office of Governor Ron DeSantis on March 20, 2020, as

extended by Executive Order Nos. 20-112, 20-123, 20-139 and 20-150 and the members of the City Commission present are herself, Michael Atkinson, Melanie McGahee, Kristine Petersen and Julio Rodriguez. She also stated that City Attorney Gary Brandenburg and City Manager Randy Martin are in attendance.

**13. Departmental Monthly Activity Reports** - Presented for information only.

**Comments from City Manager** - none

**Comments from City Attorney** - none

Mayor Gardner asked if there were any public comments at this time. No public comments were heard.

**Comments from the City Commission** – Mayor Gardner requested the City refund Mrs. Laura Smith \$500 since her variance request was denied and the issue is more than just a variance request. She then stated that she would like to add the following items to the outstanding monthly report: Redevelopment plan on alley abandonments and work that needs to be done on applying for grants, Highway 27 and street calming efforts with DOT and a monthly report on outstanding liens particularly for non-homestead properties. Next, she announced that Manager Martin's one-year anniversary with the City of Clewiston is July 22 and a review of his tenure will be placed on the agenda for the August 17, 2020 Commission Meeting.

Commissioner Rodriguez asked for guidance on face masks. He stated that some businesses that have posted that face masks are mandatory are receiving complaints because face masks have not been mandated by the city or county. Attorney Brandenburg stated that private businesses can establish rules for coming onto their private property and if they decide to require masks, they do not have to let someone in without a mask and can have them removed if there is a problem. Manager Martin stated that there does not seem to be support for a mask mandate countywide although the City could require masks as a number of our peers have done. He noted that he is going to implement a requirement that anyone entering our public buildings wear a mask. He then asked for guidance from the Commission on whether they want to consider putting a mask requirement in place. Commissioner Rodriguez and Commissioner Petersen expressed they would support the requirement for masks to be worn in public places. Mayor Gardner expressed her concern with a mask mandate in the City without the County and suggested that we continue to recommend wearing a mask and lead by example. Commissioner Rodriguez stated that he does not feel the City has to follow the County's lead on everything. Mayor Gardner stated that a mask mandate has not been recommended by the health department and the EOC. Vice Mayor Atkinson agreed that the decision should be up to each business. Commissioner Rodriguez stated that he feels that 9 out of 10 businesses would support mask wearing. Mayor Gardner noted that only one business has contacted her and suggested that we continue to encourage everyone to wear a mask and let the businesses make the decision.

Commissioner Rodriguez next stated that he feels the stop signs placed on the curve on Berner Road are awkward and are in the wrong location. He stated that he remembers when the City removed the stop sign on Aztec and people were asking why because vehicles were racing down Aztec from Olympia to San Luiz. He suggested using the stop signs temporarily as a pilot throughout the City in areas with problems. He stated that he feels it is a mistake to do this on Berner Road and not at other locations in the City. Mayor Gardner stated that she thinks it might be a good time for Manager Martin to look to see if the stop signs in the City on Berner Road and other areas in the City are in the right location. Manager Martin stated the stop sign on Berner Road was placed there for safety after receiving input from the Police Department and Public Works Department. He also stated that he has not heard about any other areas but will be glad to review them. He noted that the Saginaw intersection was discussed as an alternative location for the stop sign on Berner Road but because of the design of that intersection, in his opinion, is not the best. The current signs were placed in part because the intersection is in a curve which is reflected in some of the accidents such as a nearby mailbox being hit multiple times and people cutting the corner of the street. He stated that he will be glad to provide a future update when he has an opportunity to get input on other noted locations of concern and possibilities. Vice Mayor Atkinson suggested using

ripple strips instead of speed bumps or stop signs in different areas that have issues. Manager Martin agreed to consider these suggestions as well.

Commissioner McGahee requested the sale of the old police station be discussed at the next meeting on August 17, 2020. She then announced that she is happy about the completion of the four laning of SR 80. She stated that her opinion is that project is big for the growth and development for our community and feels we should give a big shout out to FDOT and District One Secretary L. K. Nandam for a great job. Mayor Gardner agreed and asked Manager Martin to send correspondence to FDOT and Secretary Nandam thanking them. Manager Martin stated that it is a tremendous asset and agreed to put something together thanking them for that effort.

### **Adjournment**

**Commissioner Rodriguez made a motion, seconded by Commissioner McGahee, to adjourn the meeting at 8:08 p.m. Vote 5 yeas, 0 nays**

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Mali Gardner, Mayor

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Mary K. Combass, City Clerk