

CITY OF CLEWISTON
Regular Commission Meeting
March 15, 2021

The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, March 15, 2021. The meeting was called to order at 5:00 p.m. by Mayor Kristine Petersen. Pastor Corey Scarlett and Isac Martinez of New Harvest Church gave the invocation and the audience joined in reciting the Pledge of Allegiance.

Commissioners Present: Mayor Kristine Petersen, Vice Mayor Greg Thompson, Commissioner Mali Gardner and Commissioner James Pittman.

Personnel Present: City Manager Randy Martin, City Clerk Kathy Combass, Finance Director Shari Howell, Community Development Director Travis Reese, Utilities Director Danny Williams, Public Works Director Sean Scheffler, Code Enforcement Officer Debbie Clay, Consulting Engineer Andy Tilton and City Attorney Gary Brandenburg. Compliance Manager Lynne Mila attended via telephone.

Visitors Present: Rusty and Hillary Hyslope, Donnie Hughes, Stephanie Busin, Laura Smith, Matt Beatty, Jerry Cochrane, Dylan Brandenburg, Electa Waddell, Freddy Dyess, Lavinne Sherrell, Melvin Rosen, Susan Keener, Kathy Irey, Terry Gardner, Vic McCorvey, Greg Westberry, Isac Martinez and Corey Scarlett.

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

Public Comments – none

1. Consent Agenda

- A. *City Commission Budget Workshop Minutes – August 10, 2020*
- B. *City Commission Budget Workshop Minutes – August 17, 2020*
- C. *City Commission Budget Workshop Minutes – August 24, 2020*
- D. *City Commission Budget Workshop Minutes – August 31, 2020*
- E. *City Commission Budget Workshop Minutes – September 9, 2020*
- F. *City Commission Budget Workshop Minutes – September 14, 2020*
- G. *City Commission Meeting Minutes – December 21, 2020*
- H. *City Commission Workshop Minutes – January 11, 2021*
- I. *City Commission Workshop Minutes – March 1, 2021*
- J. *Resolution No. 2021-20 – approving SRF Amendment 1 to DEP Loan Agreement WW260420*
- K. *Resolution No. 2021-21 – approving PUMPS Professional Services Design-Build Contract for a Pump Station Upgrades and Piping/Vacuum Truck Program.*
- L. *Resolution No. 2021-22 – approving Johnson Engineering, Inc. Work Order No. 2020-01-01 for MIT at Water Treatment Plan.*

Commissioner Gardner made a motion, seconded by Commissioner Pittman to approve the Consent Agenda. Vote 4 yeas, 0 nays

- 2. Presentation of Municipal Stormwater Discharge –** Andy Tilton, Johnson Engineering, Inc. – City Consulting Engineer, Andy Tilton explained that DEP requires certain things be pursued by the City to comply with permit obligations, and public education is one item for which the City receives credit. This is typically a less expensive option for the City to meet its permit requirements and is the purpose for this presentation. He mentioned there will probably be more education items distributed in the future in printed form. He then reviewed the presentation.

- 3. Annual Police Department Report on Crime Data –** Aaron Angell, Police Chief

The City Manager shared the report for information. Commissioner Pittman asked that the Police Chief be in attendance at the meetings and expressed that he feels all department heads should be at the meetings or at least on the phone. Manager Martin stated the Chief

was invited. Commissioner Gardner stated that it is the City Manager Martin's responsibility and does not feel the Commission should interfere in the day-to-day administration of the departments according to the Charter. Manager Martin stated that he will address the matter.

4. Commission Action on City Commission Resignation of Melanie McGahee and Consideration of Applicants for City Commission Vacancy

Mayor Petersen asked for public comments. None were heard. Attorney Brandenburg stated the first action is to accept the resignation of Melanie McGahee.

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to accept the resignation of Melanie McGahee from the City Commission. Vote 4 yeas, 0 nays

Commissioner Gardner stated that she is excited about the number of applicants for the vacancy. She has had conversations with three of the applicants and knows they are committed.

**Commissioner Gardner made a motion to appoint Hillary Hyslope to fill the vacancy on the City Commission. Mayor Petersen passed the gavel to Vice Mayor Thompson and seconded the motion. Vote 4 yeas, 0 nays
Mayor Petersen then received the gavel back from the Vice Mayor.**

Hillary Hyslope was sworn in by Attorney Brandenburg and took her seat on the dais.

RESOLUTIONS

- 5. Resolution No. 2021-23** – Resolution No. 2021-23 supports the Florida Department of Transportation's (FDOT) U.S. 27/State Road 80 Corridor Vision & Action Plan and establishes project priorities for funding by the FDOT and the Heartland Regional Transportation Planning Organization.

Mayor Petersen summarized Resolution No. 2021-23 and asked for public comments. No public comments were heard.

Commissioner Pittman made a motion, seconded by Vice Mayor Thompson, to approve Resolution No. 2021-23. Vote 5 yeas, 0 nays

RESOLUTIONS REGARDING COMMERCE PARK

- 6. Resolution No. 2021-24** – Resolution No. 2021-24 approves the release of a deed restriction and covenant running with the land on property sold by the City to NQAS Property LLC by deed dated March 18, 2019.

Mayor Petersen summarized Resolution No. 2021-24 and asked for public comments. No public comments were heard.

Vice Mayor Thompson made a motion, seconded by Commissioner Pittman, to approve Resolution No. 2021-24. Vote 5 yeas, 0 nays

- 7. Resolution No. 2021-25** – Resolution No. 2021-25 approves the City of Clewiston Continuing Agreement for Professional Services Work Order No. 2020-05 in the total amount of \$33,515.00 for surveying and re-platting of the Clewiston Commerce Park.

Mayor Petersen summarized Resolution No. 2021-25 and asked for public comments. Manager Martin stated that management hopes to be able to reduce the total cost as referenced in the agenda report. This work order is to complete all the identified plat subdivision changes. Vice Mayor Thompson asked where the money would come from. Manager Martin stated that it would most likely be appropriated out of contingency. Commissioner Pittman mentioned that Lot 5 may need more road frontage. Manager Martin stated the problem is that Lots 4 and 6 have been sold which limits the ability to address that

concern. He added that it appears to him that there is adequate frontage there and stated there have been interested parties that did not consider access an issue.

Attorney Brandenburg stated that he and Engineer Tilton have discussed the option of only platting the 10 acre parcel instead of re-platting the entire park as it may cut down on the cost. Engineer Tilton confirmed there would be some decrease in the field work and signatures of the property owners of the lots that have already been sold would not be required. Attorney Brandenburg suggested the Commission move forward with authorizing the re-platting of the 10 acre parcel and other necessary adjustments. Commissioner Gardner expressed that she was in favor but expressed that she wants to make sure the new plat has the correct street name. Engineer Tilton stated the plat will be comprehensively reviewed and confirmed the street name will be corrected. Commissioner Pittman expressed that he is in favor of limiting the re-platting to the 10 acre parcel and stated that the cost would be more than offset by the sale of the next lot. Vice Mayor Thompson also expressed that he is in favor of limiting the re-platting to the 10 acre parcel with the understanding that with the first sale, the money goes back to where it comes from. Mayor Petersen agreed with the comments.

Vice Mayor Thompson made a motion, seconded by Commissioner Pittman, to approve Resolution No. 2021-25. Vote 5 years, 0 nays

8. **Resolution No. 2021-26** – Resolution No. 2021-26 approves the Contract For Sale And Purchase between the City of Clewiston and Burma Spice, Inc. of approximately 1.5 acres of property adjacent to the Clewiston Commerce Park.

Mayor Petersen summarized Resolution No. 2021-26 and asked for public comments. No public comments were heard.

Commissioner Gardner made a motion, seconded by Vice Mayor Thompson, to approve Resolution No. 2021-26. Vote 5 years, 0 nays

Manager Martin reported that the signed contract was received from the Buyer. He stated that he will be requesting the scheduling of a special meeting for March 29th to hopefully recommend additional contracts for approval.

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

9. **Old Business** – Presented for information only.

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

Comments from City Manager – Manager Martin stated for the record that the third COVID relief package was funded last week. Some specifics on the state and local fiscal recovery fund are included in the details of the American Rescue Plan Act of 2021. There will be direct funding to municipal governments including all cities. He confirmed that the projected allocation listed from the Florida League of Cities for the City of Clewiston is earmarked at \$3.37 million and is separate funding from the county's estimated allocation of approximately \$8.15 million. The City of LaBelle is targeted for \$2.19 million. He expressed that he does not yet know all of the particulars including specifically the formula that was used to determine the amounts. Based upon available information, it does not appear to be just based on population. He is very encouraged by the availability of this amount of funding. Local governments will have until December 31, 2024 to obligate all the funds, so it is practical to use it for capital needs, which is something the Commission has indicated as a high priority, particularly infrastructure and specifically water and sewer needs as specified in the legislation. He then noted that lost revenues during the pandemic can be recaptured with these funds. Lost fund replacement was specifically excluded in the last CARES Act funding. He believes this will be a major positive for city financials.

Comments from City Attorney – Attorney Brandenburg reported that he reviewed the package he received from Lavonne Sherrill and Melvin Rosen after the last meeting regarding the fence issues with Mr. Rudd and feels it is a matter of private rights and the City's involvement should not go any further at this point. He then mentioned that he received a letter from a law firm that was addressed to him but had the email address for Hendry County Attorney Mark Lapp. He sent

a copy of the letter to Mr. Lapp and tried to contact the law firm but has not been successful in doing so. Commissioner Gardner stated she had hoped for some kind of resolution to the conflict, but she is happy that Attorney Brandenburg Gary researched the matter. Vice Mayor Thompson asked if the city or county had ever formally asked the Corps of Engineers for their input on the matter? Attorney Brandenburg stated that he believes there has been some correspondence with the Corps from Hendry County but it may be quite old. Commissioner Gardner stated that her recollection is that the Corps' rights stopped at their land.

Comments from the City Commission – Commissioner Gardner stated she was encouraged by the conversations with the applicants for the Commissioner vacancy. She is excited about the future and is looking forward to working with Commissioner Hyslope.

Commissioner Hyslope thanked her fellow commissioners and expressed her appreciation for their vote of confidence.

Vice Mayor Thompson stated that he is excited about the positive changes.

Commissioner Pittman welcomed Commissioner Hyslope. He then mentioned the monthly animal control report that he has been asking for is still not in the packet and he is now getting calls from people in the county regarding issues with animal control. He recommended that animal control not be able to take in any payments as most of the City departments should not be taking in any payments. Mayor Petersen stated that she feels we need to look and see what departments should be taking payments. Commissioner Gardner asked Manager Martin to look at the process. Manager Martin stated that he and Finance Director Shari Howell have discussed it and Director Howell sent Animal Control information on the procedure to use when collecting payments. After further discussion, Manager Martin agreed to research the process and report back to the Commission.

Commissioner Pittman asked if Manager Martin had researched the information he provided at the last meeting regarding the “gag order” that was placed on one of our former employees. Manager Martin stated that he has not had a chance to formalize a report.

Commissioner Pittman then stated that he disagrees with part of Manager Martin's conclusion that it was the volunteers that were causing issues at Animal Control. He noted that while he was campaigning that animal control was one of the top two complaints that he received and since he has become a Commissioner, he has received 10-12 complaints from different people. He feels a workshop is needed to discuss the Police Department and Animal Control and would like to set a date for that. After further discussion, Commissioner Gardner stated her experience is that the strongest supporters become the fiercest critics and there is no making everyone happy. She feels that a workshop would be good to discuss what we envision for the future. Mayor Petersen stated that animal control is not a rescue. She further stated sometimes people misunderstand the scope of animal control services offered by the City. Manager Martin stated that he appreciates the concerns and will do his best to provide answers. Mayor Petersen stated that she would like to know how many animals are going to rescue facilities from animal control. Manager Martin stated that he will come up with a date for the workshop and will poll the Commission. Commissioner Pittman requested the workshop be scheduled before April 30, 2021. Mayor Petersen suggested that the City Charter could also be discussed at the workshop.

Commissioner Pittman then requested the Commission appoint someone to fill the vacancy of former Commissioner Melanie McGahee on the Tourism Development Council (TCD) Board. Manager Martin stated that it was recommended to schedule this item for consideration at the next regular meeting. It was noted that Commissioner Hyslope currently represents another agency on the TDC Board. Commissioner Gardner stated that she would like to represent the City on the TDC Board. It was noted that Hendry County would need to approve the appointment. Commissioner Pittman explained the reason the City needs a representative is because there is a lot of money that comes in to the TDC. The money is split between LaBelle and Clewiston for projects and we want to make sure that Clewiston does not lose its share of those funds. Manager Martin stated that he will confirm that the TDC Board appointment was the only other board that former Commissioner McGahee served on.

Adjournment

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to adjourn the meeting at 6:20 p.m.

Kristine Petersen, Mayor

Mary K. Combass, City Clerk