

**CITY OF CLEWISTON**  
**Regular Commission Meeting**  
**July 19, 2021**

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The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, July 19, 2021. The meeting was called to order at 5:01 p.m. by Vice Mayor Thompson. Pastor Corey Scarlett of New Harvest Church gave the invocation and the audience joined in reciting the Pledge of Allegiance.

**Commissioners Present:** Vice Mayor Greg Thompson, Commissioner Mali Gardner, Commissioner Hillary Hyslope and Commissioner James Pittman. Mayor Kristine Petersen joined the meeting at 5:33 p.m.

**Personnel Present:** City Manager Randy Martin, City Clerk Kathy Combass, Finance Director Shari Howell, Police Chief Tom Lewis, Police Commander Dan Brophy, Community Development Director Travis Reese, Utilities Director Danny Williams, Public Works Director Sean Scheffler, Code Enforcement Officer Debbie Clay, Consulting Engineer Andy Tilton and Attorney Dylan Brandenburg on behalf of City Attorney Gary Brandenburg. City Attorney Gary Brandenburg attended via telephone.

**Visitors Present:** Laura Smith, Corey Scarlett, Terry Gardner, Janet Taylor and Nardina Johnson. Fred Bloetscher attended via telephone.

**Additions/Deletions/Changes and Approval of the Agenda** – Manager Martin reported that Congressman Mario Diaz-Balart had planned to call into the meeting tonight regarding a resolution he introduced concerning the Cuba crisis, but a schedule conflict had arose. The Manager stated that copies of the Congressman’s resolution were distributed to the Commission and recommended they consider taking a position of support before the miscellaneous action and discussion items. He also stated that Agenda Item 9A will be deleted as the buyer has withdrawn their offer due to Covid related impacts on their business and Agenda Item 9C is added to extend the closing date of the transaction. He further stated that he and Finance Director Shari Howell will give a budget update during the City Manager’s comments portion of the agenda in lieu of holding a separate budget workshop this evening. The Commission by consensus agreed to the agenda adjustments including to consider support of the Congressman’s resolution later in the meeting as recommended by the Manager.

**Public Comments** – none

**1. Consent Agenda**

- A. City Commission Workshop Minutes – May 3, 2021*
- B. City Commission Meeting Minutes – June 21, 2021*
- C. Resolution No. 2021-67 – Budget Amendment*
- D. Resolution No. 2021-68 – Mutual Aid Agreement between the Hendry County Sheriff’s Office and Clewiston Police Department*

Commissioner Gardner made a motion to approve the Consent Agenda and stated that she believed it was important to capture some of the statements that were made at the May 3, 2021 Commission Workshop. Vice Mayor Thompson stated that he would like to pull the May 3, 2021 Commission Workshop Minutes until next month. Commissioner Gardner then withdrew her motion.

**Commissioner Hyslope made a motion, seconded by Commissioner Pittman, to approve the Consent Agenda with the removal of Consent Agenda Item A. Vote 4 yeas, 0 nays (Mayor Petersen was absent.)**

**PUBLIC HEARINGS**

2. **Ordinance No. 2021-01 – Public Hearing - Final Reading – 5:05 p.m.** – Ordinance No. 2021-01 adopts an amendment to the City of Clewiston Comprehensive Plan to change the text of the City’s current 10-Year Water Supply Facilities Work Plan.

Vice Mayor Thompson summarized and read Ordinance No. 2021-01 by title.

**Commissioner Gardner made a motion, seconded by Commissioner Hyslope to table Commission action and continue the public hearing and final reading of Ordinance No. 2021-01 to August 16, 2021 to allow more time to receive comments from the review agencies. Vote 4 yeas, 0 nays (Mayor Petersen was absent.)**

3. **Resolution No. 2021-69 – Public Hearing - 5:05 p.m.** – Resolution No. 2021-69 adopts the Water and Wastewater Facilities Plan as required by the Florida Department of Environmental Protection for the Water and Wastewater State Revolving Fund Loan Program for the use of State Revolving Funds for construction of various water treatment plant improvements and various wastewater collection system upgrades.

Vice Mayor Thompson summarized and read Resolution No. 2021-69 by title. Frederick Bloetscher, Ph.D., P.E, President of Public Utility Management and Planning Services Inc. reviewed the City of Clewiston Water and Sewer Facilities Plan 2021 presentation via telephone. Vice Mayor Thompson asked for comments from the audience; none were heard. Vice Mayor Thompson asked if the savings amount was known for the wastewater treatment efficiencies realized from the inflow and infiltration improvements completed thus far. Utilities Director Danny Williams observed that the cost savings amount will be quite substantial but more time would be needed to calculate. Regarding the project scope to complete the “i and i” work, Dr. Bloetscher stated that he estimated the cost of remaining elements to be in excess of \$2,000,000 but is projecting \$3,000,000 to cover inflationary impacts and contingency. He also stated that the RFI had not been submitted yet so the City will need to get improved estimates from McCafferty Brinson for that piece. Manager Martin added that any implications for the annual operating budget in terms of treatment cost reductions, such as electricity efficiencies, and things like that will be discussed and identified during the budget process. Commissioner Gardner stated that she feels the City needs to consider upgrades to achieve wastewater effluent reuse standards. Manager Martin stated that a grant application was submitted to the state last week to seek funding to upgrade the City wastewater plant treatment process to achieve a tertiary level treatment process and meet reuse quality effluent standards. Director Williams confirmed that reuse is part of the planned upgrades.

**Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve Resolution No. 2021-69. Vote 4 yeas, 0 nays (Mayor Petersen was absent.)**

Mayor Petersen joined the meeting at 5:33 p.m.

4. **Resolution No. 2021-70 – Public Hearing - 5:05 p.m.** – Resolution No. 2021-70 approves the special exception request from Clewiston Marina, Inc. to continue to use the property located at 901 N. Francisco Street, Clewiston, FL, Parcel ID No. 3-34-43-01-010-0013-002.0 as an RV park with the following stipulation: Special Exception to expire five years from the date of approval. The property is currently zoned R3 Residential. It was noted that the Planning & Zoning Board recommended approval.

Mayor Petersen summarized and read Resolution No. 2021-70 by title. Mayor Petersen asked for comments from the audience; none were heard.

**Commissioner Hyslope made a motion, seconded by Commissioner Gardner, to approve Resolution No. 2021-70. Vote 5 yeas, 0 nays**

## **ORDINANCES**

5. **Ordinance No. 2021-02 – First Reading** – Ordinance No. 2021-02 amends the Future Land Use Map of the Comprehensive Plan; providing for the reclassification of two lots of real

property located in Block 451 from Multi-Family-Two Family to Commercial to meet the standards of a Small Scale Amendment.

Mayor Petersen summarized Ordinance No. 2021-02 and asked for comments from the audience. Mrs. Laura Smith, 206 Ridgewood Avenue, came forward and stated that she owns property directly across the road from the subject property and had expressed her concern with this request to the Planning & Zoning Board. Her concern was that there were no sidewalks and that the amount of traffic would increase. She noted that the Planning & Zoning Board recommended that during the planning phase some type of barrier could be installed to limit the number of entries and exits for the proposed parking lot. Manager Martin stated that it was staff's intent to address the concerns that were raised at the P&Z Board Meeting during the technical review of the actual site plan. Commissioner Gardner stated that she thinks they had a similar discussion on the buffer zone requirement when the back parking lot was constructed. Community Development Director Travis Reese came forward and confirmed that when the property for the back parking lot was rezoned, there were some landscaping requirements. He reported that it was made clear in the discussion at the Planning & Zoning Board Meeting that if the property is to be developed as a parking lot, it would require some buffering and the applicant indicated their willingness to work with the City to have the best development possible. He then cautioned the Commission that when property is rezoned, how the property develops in the future is only regulated by the City's ordinance. In the future, this property could be developed to any authorized standard inside the commercial zoning allowable use district. Commissioner Gardner expressed that she understands Community Health Center's need for a parking lot but is concerned with the impact to the other residential property owners in the neighborhood. City Attorney Gary Brandenburg reiterated the reality that once the property is rezoned to Commercial, it can be used for any commercial purposes. He added that the City does have the ability to impose certain limits under the code. Commissioner Pittman asked if it could be applied for as a special exception. Attorney Brandenburg's response was that this is a rezoning that is accommodated by the City's Code so a special exception would not be appropriate in this circumstance. Manager Martin then clarified that this specific request is for an amendment to the Future Land Use Map of the Comprehensive Plan and noted that the next agenda item was the actual rezoning request. The Manager noted that Lot 2 is already zoned commercial. Commissioner Pittman observed that the other lot is too small to be built upon separately. Director Reese added that a topic of discussion of the Planning & Zoning Board was that there is a definite need for additional parking at the facility, and that the overflow parking is currently occurring in undesignated areas on the site.

Mayor Petersen then read Ordinance No. 2021-02 by title.

**Commissioner Pittman made a motion, seconded by Vice Mayor Thompson, to approve Ordinance No. 2021-02 on first reading and set the public hearing for August 16, 2021. Vote 5 yeas, 0 nays**

Before the vote, Commissioner Gardner stated that she realizes that buffering is critical when commercial uses begin to encroach into traditionally residential areas and questioned at what point does the City limit commercial growth into a residential neighborhood. Director Reese confirmed that a buffering requirement is already in the landscaping code. Manager Martin stated that the technical review committee will look at the particular design at this location to minimize the impacts on the residential access across the street and in that area. Director Reese confirmed that the design would go through a technical review committee at the staff level. Commissioner Gardner recapped that the concerns with this request are traffic increase and sidewalks in addition to landscaping and buffering which is already addressed in the City's code.

6. **Ordinance No. 2021-03 – First Reading** – Ordinance No. 2021-03 amends the Official Zoning Map by rezoning real property located in Block 451 from two-family residential use (R-2) District to Commercial Use (C) District.

Mayor Petersen summarized Ordinance No. 2021-03 and asked for comments from the audience; no comments were heard.

**Commissioner Pittman made a motion, seconded by Commissioner Hyslope, to approve Ordinance No. 2021-03 on first reading and set the public hearing for August 16, 2021. Vote 5 yeas, 0 nays**

Before the vote, Commissioner Pittman stated that he feels we need multiple commercial zoning districts to designate for such items as parking lots and light commercial. Director Reese confirmed that Hendry County has different commercial zoning districts and overlays, which are additional restrictions on a geographical area inside a zoned district. He noted that the City's Comprehensive Plan now has the 27 Corridor and Downtown District and commercial properties could be rezoned to those designations. Manager Martin added that some communities will have a transitional commercial district which is more limited. He stated that if it was a consensus of the Board, staff could evaluate options. City Attorney Gary Brandenburg stated that many of the larger cities and counties impose conditions on each of the zoning districts.

## **RESOLUTIONS**

7. **Resolution No. 2021-71** – Resolution No. 2021-71 approves the Continuing Agreement for Professional Services Work Order No. 2020-06 between the City of Clewiston and Johnson Engineering, Inc. for the Alverde Avenue & Comercio Street Water Main Extension Project.

Mayor Petersen summarized and read Resolution No. 2021-71 by title. She then asked for comments from the audience; no comments were heard.

**Commissioner Gardner made a motion, seconded by Commissioner Hyslope, to approve Resolution No. 2021-71. Vote 5 yeas, 0 nays**

8. **Resolution No. 2021-72** – Resolution No. 2021-72 approves the Continuing Agreement for Professional Services Work Order No. 01 between the City of Clewiston and Erdman Anthony of Florida, Inc. for construction engineering and inspection (CEI) services for road improvements on East Ventura Avenue for the East Ventura Rehabilitation Project.

Mayor Petersen summarized Resolution No. 2021-72 and asked for comments from the audience; none were heard. She then read Resolution No. 2021-72 by title.

**Vice Mayor Thompson made a motion, seconded by Commissioner Gardner, to approve Resolution No. 2021-72. Vote 4 yeas, 0 nays (Commissioner Hyslope was out of the room and did not vote on this item.)**

Commissioner Gardner stated for the record that the reason why these services are needed is because we are receiving state funding for this project. Manager Martin confirmed that is correct and explained that the same firm that designs a project is now prohibited by state law from also doing the inspection services on the same project. He reminded the Commission that the contract for the construction had been awarded and the contract for inspection services must be in place before the construction can begin.

Commissioner Hyslope left the meeting at 5:58 p.m. and rejoined the meeting at 5:59 p.m.

## **RESOLUTIONS REGARDING COMMERCE PARK**

- 9.A. **DELETED - Resolution No. 2021-73** – Resolution No. 2021-73 approves the Contract for Sale and Purchase between the City of Clewiston and Burma Spice, Inc. of Lot 1, Clewiston Commerce Park.

- B. **Resolution No. 2021-74** – Resolution No. 2021-74 approves the Contract for Sale and Purchase between the City of Clewiston and Hollywood Beach Vacation Rentals, LLC of Lots 13 and 14, Clewiston Commerce Park, Addition 1.

Mayor Petersen summarized and read Resolution No. 2021-74 by title. She then asked for comments from the audience; none were heard.

**Vice Mayor Thompson made a motion, seconded by Commissioner Pittman, to approve Resolution No. 2021-74. Vote 5 yeas, 0 nays**

Before the vote, Manager Martin explained that the buyer is an existing LLC and their intent is to construct several commercial type units that will be subject to rent to zoning eligible businesses to locate into the park to give an opportunity for new startup businesses or any others. Each business will still need to meet CPID requirements in terms of the usage. Commissioner Hyslope expressed that she feels it is great to have the possibility of a number of different commercial services locating in our community instead of just one new business on these lots in the park.

- C. Resolution No. 2021-75** – Resolution No. 2021-75 amends the Contract for Sale and Purchase between the City of Clewiston and OSGC Services, LLC of Lot #5, Clewiston Commerce Park.

Manager Martin summarized the request and Mayor Petersen read Resolution No. 2021-75 by title. Mayor Petersen asked for comments from the audience; none were heard.

**Commissioner Hyslope made a motion, seconded by Vice Mayor Thompson, to approve Resolution No. 2021-75. Vote 5 yeas, 0 nays**

Before the vote, Commissioner Gardner asked to hear from the attorney about any updates he may have on this closing. Attorneys Gary Brandenburg and Dylan Brandenburg both indicated they had no additional updates.

Manager Martin stated the Commission agreed by consensus to add Congressman Mario Diaz-Balart's resolution regarding the Cuba crisis to the agenda and it has been requested that the City endorse this resolution. Mayor Petersen expressed that she feels this is necessary as it targets human rights. Manager Martin mentioned that there have been local citizens active every evening in Civic Park to speak to this issue. Mayor Petersen noted that they even traveled to Washington, D.C. by bus. Vice Mayor Thompson added that the local organizers were planning to come to tonight's meeting to speak before the Commission but were not able to make it back in time from Washington, D.C. They wanted to invite the Commission to come out tonight to support them.

**Vice Mayor Thompson made a motion, seconded by Commissioner Hyslope, to support the resolution introduced by Congressman Mario Diaz-Balart expressing solidarity with the Cuban people in their demands for freedom and respect for basic human rights. Vote 5 yeas 0 nays**

Before the vote, Commissioner Gardner expressed her appreciation to Congressman Mario Diaz-Balart and to the Commission for the endorsement. Vice Mayor Thompson recognized Johnny Navarro for being in the forefront of this movement in the City and admirably representing the City.

#### **MISCELLANEOUS ACTION AND DISCUSSION ITEMS**

10. **Old Business** – Commissioner Gardner stated that she feels the main street corridor and commercial area in Block 451 that was mentioned tonight needs to be addressed as they are significant for the community. She added that she is willing to do however many workshops that we need. Commissioner Pittman stated that he feels dates should be scheduled to address those areas along with some other items such as storm shutters and the vacant police department building. Manager Martin agreed that a workshop on such topics is needed and suggested adding topics to an upcoming workshop agenda. The Commission members expressed their agreement to having a workshop discussion.
11. **Departmental Monthly Activity Reports** - Presented for information only.

**Comments from City Manager** – Manager Martin reviewed his memo regarding the budget process update and Finance Director Shari Howell reviewed the attachments regarding the General Fund revenue projections with the Commission. She reported that she does not yet have estimates for the Discretionary Tax and Communications Service Tax categories. She agreed to get CRA TIF estimates at rolled back rates for the Commission. Manager Martin mentioned that staff is still working on revenue projections for the Enterprise Funds and noted that the current year budget revenues for all the enterprise funds are tracking consistent with the projections for the 2021 budget so it is not anticipated at this time that the City will need to modify the previously approved changes to rate schedules other than the Electric and Solid Waste which will be looked at in terms of whether any kind of COLA adjustment is justified this year. Director Howell then reported that she does not yet have any information as to the Property and Casualty Insurance and Employee Health Insurance rate change possibilities. For budget planning purposes, she is estimating a 12% increase for the Property and Casualty Insurance and a 7% cost increase with an additional 3% attributed to staffing process for Employee Health Insurance. Vice Mayor Thompson asked if the reason for the health insurance increase was known. Director Howell responded that the increase is just an estimate at this time; she did not have any of that information yet. Manager Martin further explained that the City's experience for the prior years is typically a major driver in the insurance company's final determination. Commissioner Pittman asked if everyone was happy with the service from the Florida League of Cities for the health insurance. Manager Martin stated that there was some adverse feedback from some employees about the different methods of dealing with customers when it first shifted to the League of Cities' plan but he has not heard any complaints of late. Director Howell and City Clerk Combass both stated that they also had not received any recent complaints. Manager Martin then asked the Commission to refer to his memo regarding options for personnel salary and benefit cost increases and stated that he is not making any recommendation on any of these items tonight but wanted to give some information to the Commission to put in perspective how the preliminary budget is looking early on, and specifically, what it would take to do some sort of salary adjustment. He then reviewed the capital outlay expenditures and stated that two major elements, police fleet and computer technology upgrades, will be added and updated in the plan this year. He reported that the debt service for the police vehicles previously purchased several years ago will be paid in full which will free up a little over \$60,000 in funds to address current fleet replacement needs. Staff has been looking at the pros and cons of various lease purchase options and will be coming back to the Commission with hard numbers on this.

Manager Martin stated that he was planning to thank Congressman Mario Diaz-Balart if he had been able to call into the meeting tonight for his recommendation of City funding for the next phase of Ventura from Deane Duff to W.C. Owen in the congressional budget appropriation. He also stated that he just found out today that we will receive the \$50,000 for the matching FRDAP grant for Trinidad Park to install up to \$100,000 in playground equipment improvements.

Manager Martin then stated that he will prepare recommended dates for the remainder of needed budget workshops and anticipates recommending one for later this month. Director Howell clarified that a meeting is recommended as being needed this month to set the maximum TRIM millage. In discussion, Commissioner Pittman stated that he would not be available Monday and Tuesday next week. Mayor Petersen suggested the meeting be scheduled for Thursday, July 29<sup>th</sup>.

**Comments from City Attorney** – Attorney Dylan Brandenburg, on behalf of City Attorney Gary Brandenburg, provided an update to the Commerce Park sales chart reflecting the current status to the Commission. He also provided a summary report to the Commission of the adopted laws resulting from the 2021 legislative session that will have an effect on municipalities.

**Comments from the City Commission** – Vice Mayor Thompson commended the golf course for the successful junior golf camp. He then asked Utilities Director Williams to provide an update on the automated metering project status. Director Williams reported that once the contract is finalized they will most likely replace the water meters first. Regarding the contract status, Manager Martin expressed that he was pleased with the minimal number of changes requested by the contractor, and he advised that he envisioned the contract could be ready for presentation as early as the August regular meeting agenda. Vice Mayor

Thompson then asked Interim Police Chief Tom Lewis to provide an update on the Police and Animal Control Departments. Chief Lewis came forward and reported that the radio communications system upgrade is 100% fully operational; a new set of policy updates are being developed with several already completed; a replacement part time Kennel Tech had been hired and all calls for animal control service are being completely dispatched through the police department. Commissioner Pittman asked Chief Lewis if he has thought about reinstating a volunteer program. Chief Lewis' response was that he has had some preliminary discussions with Manager Martin about bringing the use of some volunteers back and wants to make sure the City is covered from a liability perspective. Manager Martin added that he is planning to meet with Hendry County to discuss the interlocal agreement in the near term. Chief Lewis then reported that he should have police department vacancies full within the next 90 days and introduced Dan Brophy as the City's Support Services Commander who will oversee evidence, animal control or anything that doesn't have a badge and a gun. He explained that the salaries for the Assistant Chief position and an officer position were combined for two commander positions; one of which is interim. Tito Nieves is the Interim Commander. He also reported that the Clewiston Police Department and Hendry County Sheriff's Office are developing a great relationship and Amy Howard of Hendry County EMS volunteered and trained the police and animal control officers on the use of Narcan to counteract opioid overdoses. Director Reese confirmed that the Fire Department also carries Narcan.

Commissioner Pittman asked if the policy question about non-employees riding in City vehicles had been addressed. Manager Martin responded that he will be reporting back to the Commission once he has further communications and input from the Florida League of Cities on the topic.

Commissioner Hyslope stated that she would like Manager Martin to direct staff to do a code evaluation at the Tractor Supply plaza. Commissioner Gardner stated that she has talked to Manager Martin about the degradation in that area and noted that the canal bank along Caribbean behind that plaza looks like it is falling in. Commissioner Pittman asked who represents the City on the Clewiston Drainage District Board. Commissioner Gardner stated that she was told that the City does not have a representative on that board and asked staff to look at that again. She also expressed her concern with the trash in area of the Tractor Supply plaza including the area from Berner Road to the railroad tracks.

Commissioner Gardner stated that she feels we need some striping on the road at the stop sign that was placed on Berner Road because it is easy to miss at night or when it is raining.

## Adjournment

**Commissioner Gardner made a motion, seconded by Commissioner Hyslope, to adjourn the meeting at 7:10 p.m. The motion was approved unanimously.**

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Kristine Petersen, Mayor

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Mary K. Combass, City Clerk