

CITY OF CLEWISTON
Regular Commission Meeting
February 21, 2022

The City of Clewiston City Commission held its regular Commission Meeting in the City Hall Commission Chambers Monday, February 21, 2022. The meeting was called to order at 5:00 p.m. by Mayor Kristine Petersen. Reverend Ben Escorcio of the Clewiston Ministerial Association gave the invocation and the audience joined in reciting the Pledge of Allegiance. Mayor Petersen asked for a moment of silence to remember the City's attorney, Gary Brandenburg and offered the City's condolences to Dylan Brandenburg and his family on his recent passing.

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

Personnel Present: City Manager Randy Martin, City Clerk Kathy Combass, Finance Director Shari Howell, Director of Operations Danny Williams, Community Development Director/Fire Chief Travis Reese, Code Enforcement Officer Debbie Clay, Volunteer Firefighters Mike Pittman, Zack Waddell, Pedro Rangel and Gildardo Mendoza, and Consulting Engineers Andy Tilton and Joe DeBono. City Attorney Dylan Brandenburg attended via telephone.

Visitors Present: Lavonne Sherrell, Judy Sanchez, Stephanie Busin, Antonio Perez, Terry Gardner and Louis Denoffrio.

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

Public Comments – Pastor Escorcio extended an invitation to everyone to attend the gathering of all churches and the community at the John Boy Auditorium on Saturday, April 16, 2022 for an Easter prayer event. He stated that more information will be posted on social media as the date gets closer.

Lavonne Sherrell – Comments Regarding Industrial Canal Area – Boats & Docks – Mr. Lavonne Sherrell came forward and paid his respects to the Brandenburg family. He then expressed that he felt that Manager Martin thinks the state statute, survey and other information provided did not apply to him or Mr. Rudd because even though Mr. Rudd does not own water rights, Manager Martin feels he is responsible for his dock and vessels. He stated that his dock and vessels are clearly downstream from Mr. Rudd's property and well within riparian land owned by the state. He also stated that he feels if Manager Martin wishes to try to take control of this navigation channel and riparian land within, he and the City will also have to take the responsibility of it and until this is resolved, the City and Mr. Rudd may be held responsible for his losses. He explained that this is all concerning a code violation that Mr. Rudd called code enforcement and dictated what he wanted written for the violations. He asked how a violation could be written for his dock and vessels that are clearly within riparian lands. He added that he had asked Manager Martin to research Fisheating Creek where someone fought and was unable to change the riparian rights. Mayor Petersen thanked Mr. Sherrell for his view point.

1. Consent Agenda

- A. *City Commission Budget Workshop Minutes – September 7, 2021*
- B. *City Commission Workshop Minutes – November 29, 2021*
- C. *City Commission Meeting Minutes – January 24, 2022*
- D. *Event Application – Sugar Festival – March 18-19, 2022*
- E. *Event Application – Autism Awareness 5K Walk – April 2, 2022*
- F. *Event Application – Hope 4 Huntington 5K – May 7, 2022*
- G. *Proclamation – Problem Gambling Awareness Month – March 2022*
- H. *Proclamation – Sugarcane Farmers Appreciation Week – March 14-20, 2022*

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

PRESENTATION OF PROCLAMATION – Sugarcane Farmers Appreciation Week – Mayor Petersen read the proclamation recognizing March 14-20, 2022 as Sugarcane Farmers Appreciation Week. Judy Sanchez, Director of Corporate Communication and Public Affairs for U.S. Sugar Corporation accepted the proclamation on behalf of U.S. Sugar Corporation and all sugarcane farmers.

PUBLIC HEARINGS

2. **Ordinance No. 2022-02 – Public Hearing - Final Reading – 5:05 p.m.** - Ordinance No. 2022-02 amends Clewiston Code of Ordinances, Chapter 78, Vehicles for Hire, Article II, Wrecker Service, Rotation Services.

Mayor Petersen opened the public hearing and summarized and read Ordinance No. 2022-02 by title. No community input was offered.

Vice Mayor Thompson made a motion, seconded by Commissioner Hyslope, to approve Ordinance No. 2022-02. Vote 5 yeas, 0 nays

3. **Ordinance No. 2022-03 – Public Hearing - Final Reading – 5:05 p.m.** - Ordinance No. 2022-03 creates a new “Firefighters Retirement System” under Chapter 2, Article IV of the City of Clewiston Code of Ordinances.

Mayor Petersen opened the public hearing and summarized and read Ordinance No. 2022-03 by title. No community input was offered.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve Ordinance No. 2022-03. Vote 5 yeas, 0 nays

Before the vote, Vice Mayor Thompson asked for an itemization of the financial impact and if there was any interest involved. Manager Martin stated that the City will not know the actual amount that we will receive in revenue from the state later this year to offset the annual cost but the consultant for the actuarial analysis estimated the amount to be at least \$50,000. Based upon research to date, staff believes that to be a conservative estimate of the potential revenue from a statewide percentage of insurance proceeds collected for this purpose based on comparison to other units of government. He explained that the additional estimated cost amount for creating and maintaining the pension fund will be divided between the City and the County based on the inter-local agreement formula during the annual budget process. Vice Mayor Thompson asked how much is payback on prior service and how much is contribution. Manager Martin explained that, as he understands it, the affected employees will pay 5% into the fund from their earnings. The balance after the County share would be the total cost to the City and is estimated to be approximately 33-40% of the remaining estimate of approximately \$57,824. This figure includes an estimate for the annual maintenance fees associated with hiring a qualified provider to manage the fund. He confirmed it included the payback for catching up the past service credits for the existing firefighters covered and mentioned that it would fluctuate somewhat from year to year and 30 years was the projection of the actuarial analysis based on current numbers. Fire Chief Travis Reese confirmed that was correct and stated that the statute is clear that you have to go back and pick up those years of service when you start the plan for active personnel; the \$107,824 is a good faith estimate of what we think it will cost the City and the County less the state shared funding. The City will pay their percentage and the County will pay their percentage. Manager Martin stated that it is his understanding that there is no interest charges involved but if you exceeded what was available in the fund, that might create a scenario where you would have some amount of interest but he would think that would be fairly insignificant unless you had several people retire in the very early years before you build up the fund. The funds would be invested to build the fund up and that was taken into consideration in the independent actuarial analysis. Manager Martin then mentioned that as discussed with the County, the County is going to look to see if there is a mechanism acceptable to them to capture more of those insurance proceeds collected by the state for areas outside the City that are served by the department. Chief Reese explained that the County is prohibited from being a participant in receiving these revenues because they are in the Florida Retirement System (FRS). The City has the option of choosing FRS or setting up its own pension fund and it is recommended that the City set up its own pension for a number

of reasons. Primarily, the cost for FRS is higher. If there was a future mechanism created that could capture those additional insurance proceed revenues paid by the property owners outside the City, that would further offset the local cost shares. He then mentioned that the staff is carefully considering the option of the Florida League of Cities being the managing entity or the advisory group for this going forward. He noted that their costs are lower than what was factored into the actuarial projection. He then confirmed that \$107,824 is the first year projection and the amount will be updated annually. Vice Mayor Thompson asked what the amount would be for just the employer contribution. Manager Martin confirmed that it is estimated to be 100% of the employer contribution including the cost associated with managing the fund. He confirmed the catch up contribution for prior service amount was also included and it appeared that about 70%-80% was projected in the early years for the catch up portion based upon the actuarial analysis. Chief Reese stated the first cost estimate with Foster & Foster to manage the fund was just under \$45,000 and the first unofficial estimate with the Florida League of Cities was somewhere around \$17,000. This decision would allow for adjusting the annual employer contribution. Manager Martin stated that approximately \$2,000,000 was the estimated cost to catch up with the actuarial analysis projected over a thirty year period. Chief Reese added that the recommended benefit proposed for the firefighters is the minimum plan in terms of level of benefit that meets state standards. This is the same plan that the City of LaBelle uses and their representatives have indicated they are currently pleased with their plan.

4. **Ordinance No. 2022-04 – Public Hearing - Final Reading – 5:05 p.m.** - Ordinance No. 2022-04 amends Section 110-525, Home Occupations of the City of Clewiston’s Code of Ordinances to bring the City into compliance with HB-403 (2021) passed by the Florida Legislature.

Mayor Petersen opened the public hearing and summarized and read Ordinance No. 2022-04 by title. No community input was offered. Attorney Dylan Brandenburg responded to questions raised by Commissioner Gardner. He explained that the paragraph regarding the use of equipment that creates interference in radio or television receiver signals off the premises or causes fluctuation in line voltage off the premises was removed because home businesses cannot be regulated in any way other than what is iterated within the statute that was passed regarding Home Occupations. He stated that this aspect may be able to be restricted in a regulation impacting all businesses operating in the City. He then explained that paragraph (3) was replaced with (2) because the language in paragraph (2) included the text as it is written in the state statute. After further discussion, Manager Martin stated that the City could look at our utility regulations and see if there is a need to beef those up to address concerns. Attorney Brandenburg stated that he did take a look at the ordinance again regarding the retail issue previously raised and unfortunately it is pretty clear in the statute, that home based business may not conduct retail transactions at a structure other than the residential lot. He stated they tried to maintain the City’s previous regulation as best they could. Commissioner Gardner stated that she noticed there were some changes to the statute on February 16, 2022 and wanted to make sure that that we have looked at those changes to see if there was any impact on what the Commission is approving tonight. Manager Martin stated that he does not think those potential legislative changes are in effect yet. He noted the significance to him is that it is no longer allowed to limit it to just family members working there. He stated that staff will follow the changes through the City Attorney’s office to make sure the City remains compliant. Commissioner Pittman stated that the Commission had to vote yes on this legislative mandate.

Commissioner Gardner made a motion, seconded by Commissioner Hyslope, to approve Ordinance No. 2022-04. Vote 5 yeas, 0 nays

5. **Ordinance No. 2022-05 – Public Hearing - Final Reading – 5:05 p.m.** - Ordinance No. 2022-05 amends Section 110-315.-Permitted uses of the City of Clewiston’s Code of Ordinances to include special exception uses for dwelling units with not less than 450 sq. ft. in the Multiple-Family Residential District (R-3).

Mayor Petersen opened the public hearing and summarized and read Ordinance No. 2022-05 by title. No community input was offered.

Commissioner Gardner made a motion, seconded by Commissioner Hyslope, to approve Ordinance No. 2022-05. Vote 4 yeas, 1 nay (Vice Mayor Thompson voted nay.)

Before the vote, Vice Mayor Thompson expressed that he feels this is the wrong direction for the City and what it desires to attract. Commissioner Pittman expressed that he is not against this project at all and hoped to have affordable rentals for single people but doesn't like that we are changing the entire R-3 zoning. He understood that it does not change the density but is concerned that everyone that owns R-3 property with dwelling units on it, could now go back and re-calculate and add more units. He asked Attorney Brandenburg if there was no other method to do this. Attorney Brandenburg stated that this had to apply equally. If it is available to one property, it has to be available to all properties. He explained that the City still had some control as the applicant has to go through the approval process. Attorney Antonio Perez came forward and stated that of the R-3 projects that he looked at, none of them could add more units. This ordinance would actually decrease density and decrease the number of people that would be in a specific area so it is not moving in a direction of making a bigger footprint or putting more people in the same area that you would have without this. He feels this is the right direction for the City because it puts less people and less construction on the same site. The special exception is not automatic. It allows the City to tie a number of things to it. Someone would be able to ask for a special exception to build smaller units in an R-3 area. Vice Mayor Thompson asked about the maximum number of tenants for 450 sq. ft. Attorney Perez stated that there is currently no maximum for any size. Commissioner Gardner stated that her first concern was that it would be attractive to families but is happy to see that the children's play area was removed in the revised version presented. She feels there is a shortage of housing in the City for teachers, law enforcement or anyone that is single or a couple with no family. She noted that there is a lot of open space area that is left and the parking would be sufficient to meet either 1 or 2 spaces per apartment. She stated that she has learned that you want to do projects to improve the housing situation and thinks the City should bring in affordable units where we have a little bit of control. After further discussion, Manager Martin clarified that this is not intended to reward them with any higher density. The developer would not be able to get any additional units so going to the smaller size would provide more open space. He feels the City needs to be responsive to the high cost of rent in creative ways that while avoiding unintended consequences. By not offering an option that allows for smaller square footage for those who fall into that category of need like singles and couples, he thinks it is short-sighted on the City's part. Mayor Petersen stated that she feels this is a step in the right direction. Vice Mayor Thompson stated that he does not support this because there is no limitation on head count. Manager Martin stated that limitation would be challenging to enforce on any size unit. He added that we cannot discount the reality that in a development this size and with the investment that it is going to take to renovate this property, it would be counter-productive for the owner or manager to allow the occupancy to be abused. It is his opinion that policing themselves is a more effective way for potential overcrowding to be managed. Attorney Perez expressed that he understood the concern but reiterated that he did not think it was merited because the head count is not limited on any rental units.

6. **Ordinance No. 2022-06 – Public Hearing - Final Reading – 5:05 p.m.** - Ordinance No. 2022-06 amends the Future Land Use Map of the Comprehensive Plan to reflect 601 W. Alverdez Ave. in Block 110 of the General Plan of Clewiston as Multi-Family-Two Family to meet the standards of a Small Scale Amendment.

Mayor Petersen opened the public hearing and summarized and read Ordinance No. 2022-06 by title. No community input was offered.

Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve Ordinance No. 2022-06. Vote 4 yeas, 1 nay (Vice Mayor Thompson voted nay.)

7. **Ordinance No. 2022-07 – Public Hearing - Final Reading – 5:05 p.m.** - Ordinance No. 2022-07 amends the Official Zoning Map of the City of Clewiston to reflect 601 W. Alverdez Ave. in Block 110 of the General Plan of Clewiston as Multiple-Family Residential (R-3).

Mayor Petersen opened the public hearing and summarized and read Ordinance No. 2022-07 by title. No community input was offered.

Commissioner Gardner made a motion, seconded by Commissioner Hyslope, to approve Ordinance No. 2022-07. Vote 5 yeas, 0 nays

RESOLUTIONS

8. **Resolution No. 2022-006** – Resolution No. 2022-006 approves the Transportation Off System Post Project Maintenance Agreement (FPID #438068-1-52-01) between the Florida Department of Transportation and the City of Clewiston for the maintenance, upon completion of the project, of the sidewalk along the west side of Royal Palm Avenue from US 27 north to Avenida Del Rio Avenue and along the east side of Ponce De Leon Avenue from US 27 north to Balboa Plaza.

Mayor Petersen summarized and read Resolution No. 2022-006 by title then asked for public comment. Stephanie Busin of 429 Royal Palm Avenue came forward and provided handouts with information for the Commission. She noted that she had been reaching out to the City since January 10, 2020 about her concern regarding this project. She stated that she was repeatedly told that this would not be an issue for Royal Palm Avenue which is why she is so surprised to see this resolution on the agenda. She stated that this sidewalk would be 30 steps away from another sidewalk and the City is not maintaining what we have right now. She reviewed a map of the City's sidewalk inventory and noted that certain park and school areas in the City did not have sidewalks. She asked the Commission to table this item until the next meeting to allow them more time to review the information that was provided. She stated that she feels that staff has made a lot of decisions on how to do this and where they want to put their resources, which are not equitable resources that serve the community as a whole. Manager Martin stated that staff was not able to find much information that would give insight as to why this project was submitted for funding several years ago on behalf of the City. He noted that he does not disagree with Mrs. Busin's comments and that this was discussed with the Commission in 2020 when the concerns were raised on what to do in this particular case. He also acknowledged that the City does have a lot of needs in the sidewalk area and stated that the City has been aggressive in trying to fill some of those through the pursuit of grant resources. With the Commission's approval, the City did get more recent appropriations approved for other sidewalk areas and received approval for a Safe Route to Schools Grant that addresses the addition of sidewalk sections to a number of street sections that are in close proximity of the schools that currently do not have adequate sidewalks. He explained that when he began to investigate questions raised about this particular project with FDOT, it was clear that the funds for this project could not be redirected and if the request was pulled, the City would lose the priority of those funds and they would go to another community. He stated that was reported to the Commission during budget discussions and the consensus at that time was not to forego losing the funds and keep the project and move forward. Commissioner Hyslope asked what would be the benefit to the community in having this sidewalk. Manager Martin stated that the maintenance of the sidewalks is the responsibility of the City and he believed there was a plan being developed by current staff to do a better job at that than what has been done in the past. He then explained that Royal Palm Avenue is a wider collector type street with a divided median which frequently include sidewalks on both sides. The planned new sidewalk on the opposite side of Royal Palm would discourage pedestrians crossing to access the sidewalk. He stated that it is his experience that if a local government lets an approved project of this nature go by declining the funding, it could adversely impact the local government's ability to get other funds from the same agency. He believes that the project has been deferred as long on the schedule as possible, and FDOT is at a point where they are going to spend more money by pursuing next steps to accomplish the project. FDOT has already spent money for design, engineering and planning. Commissioner Gardner stated that this project was not placed as a priority by the Commission several years ago when it was originally submitted, and she feels there is no need for a duplicate sidewalk on Royal Palm Avenue. She expressed that she did not know how the decision was made and does not feel the Commission should rubber stamp a bad decision that happened back in 2016. She concurred with the comment that the City is not able to maintain its own sidewalks and does not have sidewalks in other priority areas. She noted that she did not support the Commission's decision to go forward with the project since we had already applied for it when it was last discussed. Manager Martin agreed with

Commissioner Gardner's comments regarding prioritization of projects such as this. He further stated that as long as he is City Manager, future priorities would only be set if approved through the Commission as we have for street resurfacing projects and the SCOP grant applications that have been submitted. He also reported that Director of Operations Danny Williams since assuming this area of responsibility has begun the process of assessing and planning for improved maintenance of existing City maintained sidewalks. The Manager then stated that he still recommends the City go forward with this FDOT funded project. Commissioner Pittman stated that the first time he saw the resolution was when he received the agenda. He expressed that he agreed with most everything Mrs. Busin said and suggested that we table this item, call FDOT and tell them we made a mistake and ask for citizen input.

Commissioner Pittman made a motion, seconded by Vice Mayor Thompson, to table Resolution No. 2022-006 and gather citizen and FDOT input.

Before voting on the motion, Director of Operations Danny Williams expressed that he was not a fan of this project but felt the Commission should make a decision on this tonight because the engineering had been done and utilities needed to be moved and other actions prior to construction. Mayor Petersen asked who was responsible for paying for the engineering that was done. Consulting Engineer Andy Tilton came forward and reported that the engineering for the design of the sidewalk had been completed and the construction would be complete sometime between the middle of this year and next year. Inlets had been added in a few places to make sure the sidewalk is high enough to stay dry. He stated that all of the engineering that had been done was through an FDOT contract and the City's cost to date only included reviewing the project plans, making comments and then looking at City utility impacts. The cost of preparing the actual plans and gathering the field survey data had all been done by FDOT. Mayor Petersen asked if the City would be responsible for those charges if they did not move forward on this project. Engineer Tilton stated that he did not know the answer. It was noted that an electric line will need to be moved for the other sidewalk project on San Luiz Avenue. After further discussion, Manager Martin stated that the only action before the Commission is whether or not to approve the agreement for the project.

Commissioner Pittman withdrew his motion.

Commissioner Pittman made a motion, seconded by Commissioner Gardner not to approve Resolution No. 2022-006. Vote 5 yeas, 0 nays

Manager Martin stated that he will communicate with FDOT and share the reasons why the resolution authorizing this contract was not approved.

9. **Resolution No. 2022-007** – Resolution No. 2022-007 approves the Transportation Off System Post Project Maintenance Agreement (FPID #437098-1-52-01) between the Florida Department of Transportation and the City of Clewiston for the maintenance, upon completion of the project, of the sidewalk along San Luiz Avenue from Alverdez Avenue to US Highway 27 and along North Berner Road from US Highway 27 to the Walmart driveway.

Mayor Petersen summarized and read Resolution No. 2022-007 by title. No community input was offered.

Vice Mayor Thompson made a motion, seconded by Commissioner Gardner, to approve Resolution No. 2022-007. Vote 5 yeas, 0 nays

Before the vote, Commissioner Gardner stated that she feels this is a very important project; the sidewalks for this project are very much needed. Consulting Engineer Andy Tilton clarified that this agreement only obligates the City to operate and maintain going forward in the future those parts that are on City streets. The City would not be responsible for operating and maintaining the large section of the proposed sidewalk along US Highway 27 that is in the US Highway 27 right of way.

10. **Resolution No. 2022-008** – Resolution No. 2022-008 accepts the proposal from Johnson-Davis, Inc. in the total amount of \$717,895.00 for Phase 1 of the Alverdez Ave and

Commercio St Water Main Improvements Project and approves the agreement between the City of Clewiston and Johnson-Davis, Inc.

Mayor Petersen summarized and read Resolution No. 2022-008 by title. No community input was offered.

Commissioner Hyslope made a motion, seconded by Vice Mayor Thompson, to approve Resolution No. 2022-008. Vote 5 yeas, 0 nays

11. **Resolution No. 2022-009** – Resolution No. 2022-009 approves the administration's recommendation to reduce the lien to a maximum of \$5,000 consistent with the Special Magistrate's recommendation in Order Granting of Fine Reduction Request: Recommendation, City of Clewiston, Florida v. Lakeside Detox LLC, Code Compliance Case No. 18-0085, dated November 16, 2021.

Mayor Petersen summarized and read Resolution No. 2022-009 by title and asked for community input. Mr. Lewis Denofrio, who represented the property owner, Lakeside Detox, came and apologized for the situation with the property. He was available to answer questions. Manager Martin explained that the City's fixed costs were very low and only included staff time, but a good amount of time had been spent communicating and inspecting the property from time to time. City administration feels the recommended reduced lien should be an amount that incentivizes the owner and buyer to close on the sale, improve the property and get it out of non-compliance. It was noted that the property was financed with First Bank and if this pending sale did not move forward, the property could end up in a foreclosure proceeding almost immediately. Manager Martin asked the Commission consider setting a reasonable date certain where it would come back to the board if the sale had not been accomplished by that date if the Commission considers approving the lien reduction request.

Commissioner Hyslope made a motion, seconded by Commissioner Pittman, to approve Resolution No. 2022-009.

In discussion before the vote, Commissioner Gardner recused herself from discussion and voting on this matter because she is an employee of First Bank. Vice Mayor Thompson stated that in his opinion the City does not want to reward homeowners for letting things sit for 1,200 days after a violation is cited. He expressed that he does not agree with pursuing the current lien amount of \$120,000 but does not agree with reducing the lien amount to \$5,000 either. Manager Martin clarified that he is not recommending incentivizing the current owner. The recommended lien reduction would be to incentivize a closing to sell the property to someone else while getting it into compliance with the code. Manager Martin stated the concern is that if it goes to foreclosure, the City could get nothing at the end of the process. Attorney Antonio Perez came forward and explained that his opinion is that if the property goes into foreclosure, the City would get nothing and the property would stay out of compliance for another 6-12 months while it goes through the foreclosure process. Manager Martin asked for input from both parties on what they feel is a reasonable time for the transaction to occur. Attorney Perez suggested a date in the first week of March. Commissioner Pittman noted that it is going to take at least 10 months to get new windows due to supply chain delays currently. Vice Mayor Thompson raised concern that the new owner could do the same thing after the assessment was reduced. Manager Martin explained that a new proceeding could be initiated if it remains non-compliant. He explained that at this time, the Commission is only setting the effective date for the lien reduction. After discussion, the consensus of the Commission was that it would be okay for the boards to remain on the windows at this time as long as a permit was issued. Community Development Director Travis Reese stated that he felt that was reasonable and suggested that the City also require a copy of a contract with the contractor with a start date because construction delays are very common right now and at any time that the permit expired, it would be revisited. Commissioner Pittman suggested allowing 60 days to get pricing numbers and 90 days to get a contract and permit. Manager Martin noted that the schedule could come back to the Commission if something transpires that the parties are not aware of at this time. Commissioner Pittman added that the property had to be maintained in the meantime. Vice Mayor Thompson asked what would happen if the sale did not close. Manager Martin's response was that the fines would be re-initiated. Code Enforcement Officer Debbie Clay explained that the \$100 daily fine is still accruing because the property

has remained out of compliance. Manager Martin stated his recommendation is to adopt the resolution and add to the motion that the closing occur by a certain date set by the Commission. Commissioner Pittman suggested that the motion include that the property has to close by March 11 and to prevent more occurring code fines, the City will give them 90 days to get the construction permit and contract or the lien would be back in the full amount of \$120,000 plus the accrued charges. It was clarified the owner would only be responsible for the reduced lien of \$5,000 if they comply with all the other provisions stipulated by the Commission; any violation would result in a new code action. Attorney Brandenburg stated that he did not see an issue with that if that is what the Commission chose to put in their motion.

Commissioner Hyslope amended her motion, seconded by Vice Mayor Thompson, to accept resolution No. 2022-009 with the addition that the closing occur on or before March 11, 2022 giving the new owner 90 days to obtain property permitting and a construction contract and if they cannot do that, it would revert back to code enforcement starting from day 1. Vote 4 yeas, 0 nays (Commissioner Gardner abstained.)

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

12. **Old Business** – Commissioner Gardner stated that she feels that the outstanding code liens listed as Item 10 on the list of old business needed to be addressed and requested that a list of properties with outstanding code liens be reviewed by the City Manager, Code Enforcement Officer and City Attorney and provided to the Commission to discuss the issues or at least start the conversation by the April 18, 2022 Commission Meeting. She then requested that an item regarding the replacement of cast iron water lines be added to the old business list because she feels the cast iron pipes especially along US Highway 27 hinder redevelopment. Manager Martin noted that the City was working with the County to pursue grant funding to try to address an issue with such piping in the Harlem area. He explained that the County has to be the applicant because the area is outside the City limits even though the City owns the water system. He stated that staff can look at priority areas in the City as there has been a lot of discussion on the federal level about infrastructure funding for that purpose. Commissioner Gardner stated that she feels the City has got to look at it and tie it together with the main street corridor plan.

Commissioner Hyslope requested an update on filling the recreation director position. Manager Martin stated that he was continuing to get applications and will be going through them to schedule interviews. Commissioner Hyslope expressed her concern that we may not be able to use the youth center facility at its fullest potential after having the investments from community partners and asked if a date certain could be set to have the director position filled. Manager Martin stated that his intention was to have the youth center staffed even if the director position remained vacant although he wanted to have the director in place before the summer recreation program begins. He agreed to pursue having that accomplished by the meeting in May.

Commissioner Pittman asked for an update on the old police station. Manager Martin stated that a discussion on that item was scheduled for the January 31, 2022 workshop that was canceled and asked the Commission to set a new date for the workshop. The Commission re-scheduled the workshop for March 28, 2022 at 5:00 p.m. for this item and other topics.

Vice Mayor Thompson asked if we know whether or not we are working at a loss on the rental properties and if we were going to advertise a request for proposals for a new contract for the country club. Manager Martin stated that discussion on those items had also been scheduled for the January 31, 2022 workshop that was canceled and would be ready for the March 28, 2022 workshop.

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

Comments from City Manager – none

Comments from City Attorney – none

Comments from the City Commission – Vice Mayor Thompson stated that he is happy with the movement that the City has been able to make. He was excited to be part of it and make a positive change for the City. He then asked everyone to keep the family of Attorney Brandenburg in their prayers.

Commissioner Pittman stated that as he previously brought up about having other commercial zoning categories, the City may want to look at having other residential zoning categories because he knows that US Sugar is looking to open up more property for housing and commercial. He expressed that he did not want to end up with something where the Commission does not want it. Manager Martin stated that this would be a tiered commercial zoning, and he could get with Community Development to begin the process for the Commission to consider this. Commissioner Pittman then requested that staff look at the City's code regarding sidewalks being cut out for a driveway as that happened at a house on Arcade. Manager Martin stated that he believes the City's code requires owners/builders to put it back. Commissioner Pittman expressed that he feels the City needs to identify ways to put more money into sidewalk repairs. Mayor Petersen felt the City should do something to raise awareness that the sidewalks are not designed throughout the City to be driven on or over.

Commissioner Hyslope thanked Director Williams for getting one of the sidewalks repaired and agreed with Mayor Petersen and feels that the City needed something to hold people accountable; it cannot just be the City always giving. She then mentioned that there have been some really great things happening in our community the last couple of weeks including several large fishing tournaments and the WISH and Market on Bond Street events. She stated that there will also be some cycling races through Glades and Hendry counties.

Commissioner Gardner announced that Donnie Drake will be coming back to the Clewiston Museum on Thursday, February 24, 2022 to share Clewiston history. She also mentioned that Pastor Escorcia asked her to remind everyone about the 40 days of Lent and that the focus for their event on Saturday, April 16, 2022 at the John Boy Auditorium is community prayer. She then expressed her heartfelt condolences to Attorney Dylan Brandenburg and his family.

Adjournment

Commissioner Gardner made a motion, seconded by Commissioner Pittman, to adjourn the meeting at 7:24 p.m. Vote 5 yeas, 0 nays

Kristine Petersen, Mayor

Mary K. Combass, City Clerk