

**CITY OF CLEWISTON**  
**Regular Commission Meeting**  
**January 23, 2023**

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The Clewiston City Commission held its Regular Commission Meeting in the City Hall Commission Chambers Monday, January 23, 2023. The meeting was called to order at 5:00 p.m. by Mayor Pittman. Pastor Carlos Roque gave the invocation and the audience joined in reciting the Pledge of Allegiance.

**Commissioners Present:** Mayor James Pittman, Vice Mayor Greg Thompson and Commissioner Mali Gardner. Commissioner Barbara Edmonds attended via telephone. Commissioner Hillary Hyslope was absent.

**Personnel Present:** City Manager Randy Martin, City Clerk Kathy Combass, Finance Director Shari Howell, Director of Operations Danny Williams, Police Chief Thomas Lewis, Community Development Director/Fire Chief Travis Reese, Assistant Utilities Director Lynne Mila, Code Enforcement Officer Debbie Clay, Consulting Engineer Joe DeBono and City Attorney Dylan Brandenburg.

**Visitors Present:** Pastor Carlos Roque, Jerry Cochrane, Pedro Diaz and Hendry County Sergeant Wanda Hainley

**Additions/Deletions/Changes and Approval of the Agenda** – Manager Martin stated that Hendry Regional Medical Center’s event application for the health fair under Consent Agenda Item E was modified to reflect the date change for the road closure. He recommended the modified application be approved.

**Public Comments** – There were no public comments.

**1. Consent Agenda**

- A. *City Commission Budget and Regular Workshop Minutes – August 15, 2022*
- B. *City Commission Meeting Minutes – November 21, 2022*
- C. *City Commission Meeting Minutes – December 19, 2022*
- D. *Event Application – Hendry County Fair & Livestock Shows, Inc. – February 8 – 12, 2023 (Approval conditioned on auditorium under construction not being used without certificate of occupancy being issued.)*
- E. *Event Application – Hendry Regional Medical Center Hendry/Glades Health Fair – March 11, 2023*
- F. *Proclamation – Human Trafficking Prevention and Awareness Month – January 2023*
- G. *Resolution No. 2023-001 – Declaration of Unit Nos. 0869, 1024, 53, 77, 103, 66, and 54 as Surplus*
- H. *Resolution No. 2023-002 – Agreement for Plastic Front End Load Containers with Duramax Holdings, LLC, dba Otto Environmental Systems*
- I. *Resolution No. 2023-003 – Hinterland Group, Inc. Change Order No. 8*
- J. *Resolution No. 2023-004 – Final Payment to Hinterland Group, Inc.*
- K. *Resolution No. 2023-005 – Johnson-Davis, Inc. Change Order No. 6*
- L. *Resolution No. 2023-006 – FDEM Federally-Funded Subaward and Grant Agreement H0878 for the Watershed Management Plan*

**Commissioner Gardner made a motion, seconded by Vice Mayor Thompson, to approve the Consent Agenda including the modification of the event application under Consent Agenda Item E. Vote 4 yeas, 0 nays. (Commissioner Hillary Hyslope was absent.)**

**PRESENTATION OF HUMAN TRAFFICKING PREVENTION AND AWARENESS MONTH PROCLAMATION TO HENDRY COUNTY SHERIFF’S OFFICE** – Sergeant Wanda Hainley with the Hendry County Sheriff’s Office commented on the human trafficking prevention and awareness training that is available and thanked the Commission for recognizing the necessity for education and for supporting the efforts to educate the community about concerns

related to human trafficking and efforts to prevent it from happening in our area. Mayor Pittman read the proclamation and presented it to Sergeant Hainley on behalf of the City Commission.

Manager Martin stated that the City's Public Works Department has installed special signage provided by third party advocates at the entrances and other locations at all City's parks providing information to interested parties about human trafficking concerns and assistance.

## **ORDINANCE**

2. **Ordinance No. 2023-01 – First Reading – 5:05 p.m.** – Ordinance No. 2023-01 amends Code of Ordinances § 110-530, Residential Development and Improvement and § 110-531, Commercial Development and Improvement regarding storm shutters.

Manager Martin stated that a draft ordinance was prepared with an alternative version also provided that addresses workshop comments provided by the Commission regarding consideration for part time residents. Mayor Pittman opened the public hearing and read Ordinance No. 2023-01 by title. He invited comments from the public. No comments from the public were heard. City Attorney Dylan Brandenburg highlighted some of the significant revisions included specifically noting that this ordinance provides a specific definition for storm shutters and a more reasonable timeline for removal and noted the alternate version has a provision for seasonal shutters for residents absent for lengthy periods of time. Commissioner Gardner expressed that she prefers the Alternate 1 version. Mayor Pittman agreed and noted that the City Manager may extend the storm shutter removal period based upon the draft provisions. Manager Martin advised that stipulated extensions would be evaluated on a case-by-case basis. Code Enforcement Officer Debbie Clay confirmed that this ordinance would give her what she needs for enforcement in terms of improvements over the current ordinance provisions. At the conclusion of the discussion, Mayor Pittman declared the public hearing closed.

**Commissioner Edmonds made a motion, seconded by Vice Mayor Thompson, to approve the Alternative No. 1 version of Ordinance No. 2023-01 on first reading and set the public hearing for February 20, 2023. Vote 4 yeas, 0 nays (Commissioner Hyslope was absent.)**

## **RESOLUTIONS**

3. **Resolution No. 2023-007** – Resolution No. 2023-007 approves the administrative recommendation to reduce the code enforcement lien to \$9,690.00 consistent with the Special Magistrate's recommendation in Order Granting of Fine Reduction Request: Recommendation, City of Clewiston, Florida v. S & L Florida Investment, Code Compliance Case No. 18-0336, dated January 17, 2023.

Mayor Pittman summarized the agenda item and read Resolution No. 2023-007 by title. Manager Martin explained that the current property owner was not the owner of the property when the fines accrued; they acquired the property through a tax deed sale. They addressed the code issues relatively quickly upon acquiring ownership. Vice Mayor Thompson stated that the current owner turned the blighted property around quickly which helped in making a noticeable improvement on W.C. Owen. Mayor Pittman inquired about why the outstanding lien was not addressed when the property was sold. Code Enforcement Officer Clay stated the property was purchased through a tax deed sale action. She advised that the buyer was devastated when they found out about the accrued fines and immediately worked with the City to address the code issues and improve the property and achieving compliance. Attorney Brandenburg explained that this happens a lot on private transactions without title insurance; these type liens do not show up unless the private purchaser goes the extra mile to conduct the title searches themselves. Mayor Pittman observed that the house is beautiful but he did not see house numbers displayed when he rode by the location today. Commissioner Gardner stated that she does not understand how the magistrate came up with the amount because she knows the \$150 administrative fee does not cover the cost of the work that Officer Clay had to do with the previous property owner and the time involved in all of this. Manager Martin explained that according to the magistrate, most communities forgive 80% to 90% of liens in comparable cases; staff initially requested 80%, the property owner wanted

100% and the parties ended up compromising at the recommended 85%. Officer Clay stated that from her knowledge as a code enforcement officer, hard costs to the city are those that involved actual directly related expenditure of taxpayer dollars and not the soft cost of doing business; e.g. the regular costs of doing business such as staff time involved cannot be included. Manager Martin advised that in deciding whether to reduce the lien amount, officials can take such matters into consideration, as well as, the aggravation and annoyance to that neighborhood and the community at large. Management feels something in terms of the fine amount paid needs to be assessed to hopefully act as a deterrent even though in this particular case, this owner upon acquiring title and being advised of the deficiencies acted responsibly. The previous owners abandoned the property essentially and let the conditions continue to blight the community.

**Commissioner Gardner made a motion, seconded by Vice Mayor Thompson, to approve Resolution No. 2023-007 to authorize reduction of the lien to \$9,690 consistent with the Special Magistrate's recommendation. Vote 4 yeas, 0 nays (Commissioner Hyslope was absent.)**

Before the vote, Manager Martin noted for the record, approval of the lien reduction is contingent on the property owner making that payment prior to the established date in April. If the owner fails to do that, the lien will stay in place.

4. **Resolution No. 2023-008** – Resolution No. 2023-008 authorizes the execution and delivery of a Master Equipment Lease/Purchase Agreement with Truist Bank sponsored by the Florida League of Cities Inc.; authorizes the lease purchase financing of the acquisition and installation of certain equipment; authorizes the execution and delivery of an Acquisition Fund Agreement; authorizes the execution of such other documents as may be necessary to complete the transactions to provide financing of new refuse trucks for the City.

Mayor Pittman summarized the agenda report and read Resolution No. 2023-008 by title. Manager Martin explained that with a lease purchase option, you have the option of letting the equipment go back or keeping it once you've made all the payments. He noted that we will get the titles to the equipment upfront but the titles revert if we don't pay all the payments. Our intention is to buy the equipment outright. He clarified that the city would not pay anything extra for the equipment if all the payments are made.

Director of Operations Danny Williams commented on how the increased capacity side loader, which was received today, will be able to load the north side of town in one load instead of making 2 or 3 trips. He stated the front loader, which should be received at the end of the month, will replace the 1991 commercial vehicle that currently collects the commercial routes. The third truck being purchased is a grapple loader that will be used to pick up bulky debris. He confirmed that staff will receive training but the truck operations are similar to what the City currently utilizes. Manager Martin stated that the department is planning for staff to do more of the maintenance on the equipment than they have in the past. Mayor Pittman expressed concern with how long the equipment would last as this is a 10-year agreement. Manager Martin stated the maintenance costs for the equipment would be reviewed to determine when it would be sold, but life expectancy should be at least ten years. The advantage with this lease is that we can trade up any time; and there is no penalty to pre-pay either. Based on experience, the Manager believes the City will use the equipment close to 10 years or longer. Mayor Pittman stated that he feels our goal should be to charge rates sufficient to build up all of our enterprise funds so that we can pay for these things when they come due because our costs are going to continue to go up every year. Manager Martin commented that the City has a capital contribution budgeted now. Vice Mayor Thompson agreed with Mayor Pittman and commented about budget transfers. Manager Martin agreed and offered that the challenge is maintaining rates at sufficient levels which recognize the need for cost of living adjustments when necessary to cover factors that impact adversely on the budget and personnel.

**Commissioner Gardner made a motion, seconded by Vice Mayor Thompson, to approve Resolution No. 2023-008. Vote 4 yeas, 0 nays (Commissioner Hyslope was absent.)**

**MISCELLANEOUS ACTION AND DISCUSSION ITEMS**

5. **Old Business** – Manager Martin confirmed the next workshop is scheduled for 5:00 p.m. on January 30. That agenda will be distributed later this week.
6. **Departmental Monthly Activity Reports** – Vice Mayor Thompson inquired about the issue of accumulated garbage and conditions at Dollar Tree. Code Enforcement Officer Clay stated that she has an open ongoing case about the unsightly conditions there. She commented on the activity and status and stated the case will be on the magistrate agenda.

Vice Mayor Thompson commented on the number of shopping buggies at the Green Tree and Goodwill properties and the garbage, furniture and mattresses at the Green Tree property. Officer Clay stated that she calls the property managers who respond but there is no change in a long acting plan to stop it. Vice Mayor Thompson asked who should be held accountable because it definitely needs to be addressed. Officer Clay stated that she feels the store owners cannot be held accountable because they are not the ones placing them there, but the citizens could be held accountable if they are seen removing the carts from the store, but she is not sure where the complaint has to come from. After further discussion, Commissioner Gardner stated that she feels we need to find some way to hold the property owners accountable and requested that staff look at the City's code to see if there is anything further that can be done especially along the US27 corridor. Mr. Jerry Cochrane suggested that we also look at the trash behind the Goodwill property.

7. **Comments from City Manager** – Manager Martin reminded the Commission that the City will welcome the US Army Corps of Engineers (USACE) with a reception tomorrow at 5:00 p.m. and that the ribbon cutting for the Herbert Hoover Dike Rehabilitation project is scheduled for Wednesday morning at 10:00. He agreed to find out if the public is invited to the ribbon cutting. Vice Mayor Thompson asked Manager Martin if he had talked to the USACE about holding Treviicos accountable for the damage to the roads that were used for the project. Manager Martin stated that they have had some communications and staff has been collecting data.
8. **Comments from City Attorney** – Attorney Brandenburg had no comments.
9. **Comments from the City Commission** – Commissioner Gardner requested that staff provide an update for the community on the automated meter reading. Manager Martin commented on the improvements that would be provided with the project and stated that some of the advantages will be included in the briefing.

Commissioner Gardner stated that she wished we could come up with a process to quickly address trash issues on private property especially in the commercial district.

Mayor Pittman asked for an update on the implementation of the special assessment for the firefighter pension. Manager Martin stated that staff is in the process of trying to negotiate the additional study information from the vendor the county used so that we could consider the assessment during the next budget cycle. Director/Fire Chief Reese stated that he hoped to have an update for the Commission as soon as the January 30, 2023 workshop.

Commissioner Edmonds wished everyone a good night.

**Adjournment**

**Commissioner Gardner made a motion, seconded by Vice Mayor Thompson, to adjourn the meeting at 5:49 p.m. The motion was approved unanimously. (Commissioner Hyslope was absent.)**

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James Pittman, Mayor

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Mary K. Combass, City Clerk